

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee
Hon. Mary Ann Grilli and Hon. Michael Nash, Co-chairs
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DATE: August 27, 2003

SUBJECT: Domestic Violence Prevention Act Forms (approve forms DV-260 and DV-720 and revise forms DV-100, DV-105, DV-110, DV-130, DV-520, and DV-550) (Action Required)

Issue Statement

Shortly after the plain-language domestic violence restraining order forms became effective on January 1, 2003, staff received requests from court staff, practitioners, law enforcement officers, judicial officers, and victim advocates to (1) develop an information sheet about how to use the new renewal form, (2) make various technical and substantive revisions to some of the forms, and (3) add to the information entered into the statewide domestic violence restraining order tracking system.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2004, approve forms DV-260 and DV-720 and revise forms DV-100, DV-105, DV-110, DV-130, DV-520, and DV-550 to assist individuals in renewing domestic violence restraining orders, to add to the information entered into the California Law Enforcement Telecommunications System (CLETS), and to clarify a variety of issues.

Texts of the proposed new and revised forms are attached at pages 6–29.

Rationale for Recommendation

The new and revised forms will clarify the procedure for renewing a restraining order; assist in the entry of information into DVROS, the Statewide Domestic Violence Restraining Order System accessed through CLETS; improve the courts' ability to make effective orders; and clarify a variety of issues.

Information for restraining order registries (form DV-260, Confidential CLETS Information)

The California Department of Justice and law enforcement agencies have requested that the Judicial Council provide the protected person's birthdate and other identifying information on domestic violence restraining orders to improve the quality and nature of entries into state and national restraining order registries.

In the past, domestic violence victim advocates have opposed the inclusion of the protected person's birthdate on the restraining order. Advocates stated that the protected person's birthdate is not always known to the restrained person prior to the issuance of a protective order and that it could be used to harass or stalk the protected person if it were included on the order. To allay those safety concerns, the committee proposed form DV-260, *Confidential CLETS Information*, so that no confidential information would be included on the restraining order. The proposed form contains a notice that it must not be placed in the litigant's court file. Because the form contains specific information about the restrained person, such as workplace address, automobile make, and so on, it also can be used by law enforcement to help locate the restrained person for service.

Information sheet for renewing DVPA order (form DV-720, How Do I Ask to Renew My Restraining Order?)

New forms that facilitate the renewal of Domestic Violence Prevention Act (DVPA) restraining orders became effective on January 1, 2003. During educational activities in January, form users sought more guidance on the procedure for using the forms. The proposed information sheet clarifies that litigants are to complete and file both forms, attach their existing *Restraining Order After Hearing* (form DV-130), and personally serve all three documents on the restrained person.

Technical changes

Shortly after the plain-language domestic violence restraining order forms became effective on January 1, 2003, staff received requests from court staff, practitioners, law enforcement, judicial officers, and victim advocates to (1) inform self-represented litigants about the proper form for submitting additional information, (2) alert litigants to the method for obtaining free service of the restraining order,¹ (3) clarify that the court can issue child support orders at the hearing, (4) clarify that a protected person is legally authorized to contact the protected person through an attorney or process server to serve legal documents, (5) clarify the warnings and notices to the restrained person regarding firearm relinquishment, and (6) clarify which documents are attached to DV-130, *Restraining Order After Hearing*. These technical changes are proposed for form DV-100, *Request for Order*; DV-110, *Temporary Restraining Order*; DV-130, *Restraining Order After Hearing*; DV-520, *Get Ready for Your Hearing (For Protected Person)*; and DV-550 *Get Ready for Your Hearing (For Restrained Person)*. In addition, technical changes are

¹ A new form to request free service of the restraining order (form CH-101/DV-290, *Request and Order for Free Service of Restraining Order*) is before the council in a separate proposal.

recommended for form DV-105, *Child Custody, Visitation, and Support Request*, to clarify a publication error.

Alternative Actions Considered

The committee considered a proposal to include identifying information about protected persons on existing forms DV-110, *Temporary Restraining Order*, and DV-130, *Restraining Order After Hearing*, to improve entries into the Domestic Violence Restraining Order System. The committee rejected that proposal because, as indicated above, it would disclose confidential personal information about a protected person to a restrained person. The committee regards the revisions to other forms as necessary to improve judicial administration.

Comments From Interested Parties

The proposal was circulated for comment in the spring 2003 cycle to the standard public comment distribution list, various domestic violence victim advocates, attorneys, law enforcement officers, court clerks, and other users of the forms. Of the 31 comments received, 5 agreed with the proposal, 18 agreed with the proposal with modifications, 5 did not agree, 2 agreed with some parts of the proposal but disagreed with others, and 1 did not specify a position.

In addition to the new and revised forms presented here, the request for comments included proposed new forms to modify or terminate a restraining order that have been withdrawn from this proposal. The commentators who disagreed with the proposal primarily objected to those forms.² Several commentators expressed concerns with the new form to gather information for entry into California's statewide restraining order registry. The other new and revised forms included in this proposal are not controversial, although several commentators suggested additional revisions not related to the revisions proposed in the request for comments.

Information for restraining order registries (form DV-260, Confidential CLETS Information)

Most commentators were concerned that the form would not remain confidential, that it might accidentally be placed in the court file or otherwise might be released to the restrained person. In response, the committee has highlighted the confidential nature of the form by adding the words "Confidential—Do Not File in Court File" in bold print on the form. Courts process a variety of confidential information. The committee believes that courts will follow their general procedures for handling confidential documents.

Information sheet for renewing DVPA order (form DV-720, How Do I Ask to Renew My Restraining Order?)

² Forms DV-300, DV-310, DV-320, DV-370, DV-380, and DV-390 were circulated for comment during the spring 2003 cycle. The forms would assist litigants who want to vacate or modify their DVPA orders. In response to public comment, the committee has decided to defer recommendation on these forms to allow for further review and development.

Commentators were in favor of the form and suggested various formatting and technical changes, some of which were incorporated by the committee.

Technical changes

Commentators made various suggestions with respect to the technical changes sought for form DV-100, *Request for Order*; DV-110, *Temporary Restraining Order*; DV-130, *Restraining Order After Hearing*; DV-520, *Get Ready for Your Hearing (For Protected Person)*; and DV-550 *Get Ready for Your Hearing (For Restrained Person)*.

Prefilled Checkboxes

Some commentators suggested deletion of the prefilled checkboxes for firearm relinquishment orders in forms DV-110 and DV-130 because people can “white-out” the checks in the checkboxes. Commentators stated that the orders would be clearer if the checkboxes were deleted altogether. The committee agrees and recommends these revisions.

Reference to Form MC-020, Additional Page

Because most self-represented litigants do not have access to pleading paper, form MC-020, *Additional Page*, is referred to in many places on the forms to inform self-represented litigants about the proper form for submitting additional information. Some litigants are currently attaching odd-sized sheets of paper instead of pleading paper. The form is mentioned where litigants may need to provide declarations that exceed the space allotted on the form.

Some commentators said that the referral to form MC-020 is too limiting. Some commentators suggested language such as “Attach an 8 ½-by-11-inch piece of paper and write your statement.” Where sufficient space exists, the committee recommends adding the suggested text. For consistency, if space does not permit references to both documents, only the reference to form MC-020 will be provided. The committee believes that attorneys and other professionals will know that they are permitted to attach declarations on standard pleading paper instead of on form MC-020.

Description of Past Abuse

Two commentators suggested revising form DV-100, *Request for Order*, to clarify the forms needed for describing recent and previous abuse. The committee agrees and recommends the revision to item 21 of the form.

Birthdate, Age, Sex, and Race of All Protected Parties

The California Department of Justice requested that the forms list the birthdate, age, sex, and race of all protected parties to assist law enforcement officers in enforcing the orders and in entering the orders into the statewide restraining order registry. Domestic violence victim advocates have expressed concern about listing the requested information on the order, since that document is public and can be used by the restrained person to harass the victim or other protected persons. The proposed

new form DV-260, *Confidential CLETS Information*, although an optional form, contains all of the requested information without disclosing the birthdates of protected persons.

Separate No-Contact and No-Harass Orders

A revision of forms DV-110 and DV-130 to allow more judicial discretion in issuing personal conduct orders became effective on January 1, 2003. The California Department of Justice (DOJ) stated that the revision is posing a problem for entry of orders into DVROS.

The forms separate the prohibited behaviors into two classifications: (1) no contacting and (2) no harassing. The revisions were made to conform with existing judicial practice and form CR-160, *Protective Order in Criminal Proceeding*. Judicial officers can now prohibit one class of behaviors without prohibiting the other. However, DVROS has a mandatory “contact” field. If an “N” for “no contact” is entered in the field, DVROS programmatically reads that entry as a prohibition of both classes of conduct. Therefore, the agencies entering the information into DVROS are having difficulty with the entries. The DOJ states that their computer systems were programmed when the classifications were presented as one order on the form; if the separate classifications are maintained on the forms, they will be required to conduct expensive and time-consuming reprogramming of DVROS.

The committee considered the DOJ’s request but decided not to recommend a reversal of the changes that were adopted last year. The DOJ did not comment on this issue last year, although they commented on other proposed revisions to the forms. Further, the distinction between the two classes of prohibited behaviors has existed for many years on form CR-160. The committee feels that the distinction is necessary to allow judicial officers discretion to make orders that match the needs and desires of litigants.

The comment chart is attached at pages 30–110.

Implementation Requirements and Costs

Courts will incur some costs in printing the revised forms.

Attachments

California Law Enforcement Telecommunications System (CLETS) Information Form

Important Notice: This form **MUST NOT** become part of the court file. It is **confidential and private**. It can be used by the court or law enforcement to enter a restraining order into CLETS or to locate the restrained person to serve a restraining order.

To the Protected Person: Complete this form. Ask the court clerk if the court will have your order entered into California's restraining order computer system. If the clerk says yes, give this form to the clerk. If the clerk says no, give both this form and your restraining order to your local law enforcement agency. That way, law enforcement officers can enforce your order.

What is the case number for your restraining order (if you know it)? _____

1

Protected Person (name): _____

Sex: ☐ M ☐ F Ht.: _____ Wt.: _____ Hair Color: _____

Eye Color: _____ Race: _____ Age: _____ Date of Birth: _____

(Mailing Address listed on restraining order) (City, State, Zip) (Telephone # [optional])

Vehicle (*type, model, year*): _____

Vehicle License #: _____

2

Restrained Person (name): _____

Description of that person:

Sex: ☐ M ☐ F Ht.: _____ Wt.: _____ Hair Color: _____

Eye Color: _____ Race: _____ Age: _____ Date of Birth: _____

(Residence Address) (City, State, Zip) (Telephone #)

(Workplace) (Occupation/Title) (Working Hours)

(Business Address) (City, State, Zip) (Telephone #)

Driver's License # and State: _____ Vehicle License #: _____

Vehicle (*type, model, year*): _____

Social Security #: _____

Describe any marks, scars, and tattoos: _____

Other names used by the restrained person: _____

3

Other Protected People

<u>Name</u>	<u>Date of Birth</u>	<u>Sex</u>	<u>Race</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Confidential—Do Not File in Court File

DV-720**How Do I Ask the Court to Renew My Restraining Order?****1 What does “renew” mean?**

- If the judge “renews” your Restraining Order After Hearing (Form DV-130), it will have a new end date.
- The order will last longer than the current order.

2 When do I ask for the renewal?

Before your current Form DV-130 ends.

3 How long can the new order last?

There is no limit on the number of years it can last. The order can be permanent.

4 How much does it cost?

Nothing.

5 Do I have to go to court?

Yes. Go to court on the date the clerk gives you. If you do not, your order will end.

6 Fill out:

- DV-700 (Request to Renew Restraining Order)
- DV-710 (Notice of Hearing to Renew Restraining Order)

7 What next?

- Make at least two copies of those forms.
- Attach a copy of your current Restraining Order After Hearing (DV-130) to Form DV-700.

8 Take your forms to the court clerk.

The clerk will give your forms to the judge for signature. Sometimes the judge may want to talk to you. If so, the clerk will tell you.

9 The clerk or judge will set a hearing date.

You must go to the hearing. Form DV-710 will tell you when and where it will be.

10 Personally serve the restrained person with a copy of:

- DV-700 (Request to Renew Restraining Order)
- DV-710 (Notice of Hearing to Renew Restraining Order)
- Your current DV-130 (Restraining Order After Hearing)
- MC-030 (Declaration) - Leave it blank for the restrained person to answer.

For information on “Service,” read Form DV-210. Someone over 18 – not you or anyone protected by the restraining order – can serve the order.

This is not a Court Order.

11 File your Proof of Service.

- The Proof of Service shows the judge that the restrained person knows about the hearing date.
- Make 5 copies of the original Proof of Service.
- Take the original and the copies to the court clerk at least 2 days before your hearing. The clerk will file the original and give you back the copies stamped "Filed."
- Ask the clerk if he or she will enter it into CLETS, a computer system that lets police all over the state know about your renewal request.
- If the clerk cannot enter it into CLETS, take one copy to your local police. They will put the information into the state computer system.

12 Go to the court hearing.

At the hearing, the judge will decide whether or not to renew the order.

13 If the judge renews the order at the hearing...

- Fill out a new Form DV-130 (Restraining Order After Hearing), and give it to the clerk. The judge will sign it.
- The clerk will file the original and give you up to 5 stamped copies.
- If the restrained person was at the hearing, you can have him or her served with a copy of DV-130 by mail. Ask the server to complete Form DV-250 and give it to you.
- If the restrained person was not at the hearing, you must have someone serve DV-130 in person, not by mail. Ask the server to complete Form DV-200 and give it to you.

14 File your Proof of Service.

- Make 5 copies of the completed Proof of Service (Form DV-200 or DV-250).
- Mail or take the original and the copies to the court clerk. The clerk will file the original and give you back the copies stamped "Filed."
- Keep one copy with you and another in a safe place in case you need to show it to the police.
- The court will send the Proof of Service to law enforcement for you. That way, police across the state know that the restrained person knows about the orders.

This is not a Court Order.

DRAFT 8
09/26/03

1 Your name (person asking for protection):

Your address (*skip this if you have a lawyer*): (*If you want your address to be private, give a mailing address instead*):

City: _____ State: _____ Zip: _____

Your phone # (*optional*): (____) _____

Your lawyer (*If you have one*): (*Name, address, phone #, and State Bar #*):

2 Name of person you want protection from (restrained person):

Describe that person: Sex: ☐ M ☐ F Ht.: _____ Wt.: _____

Race: _____ Hair Color: _____

Eye Color: _____ Age: _____ Date of Birth: _____

Court name and street address:

Superior Court of California, County of

Case Number:

3 Besides you, who needs protection? (*Family or household members*)

Full Name	Age	Lives with you?	How are they related to you?
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

☐ Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 3—Protected People" by your statement. NOTE: In any item that asks for Form MC-020, you can use an 8 1/2 x 11 inch sheet of paper instead.

4 What is your relationship to the person in **2**? (*Check all that apply*)

- a. ☐ We are now married.
- b. ☐ We used to be married.
- c. ☐ We live together.
- d. ☐ We used to live together.
- e. ☐ We are relatives, in-laws, or related by adoption (*specify relationship*): _____
- f. ☐ We are dating or used to date.
- g. ☐ We are engaged to be married or were engaged to be married.
- h. ☐ We are the parents together of a child or children under 18:

Child's Name: _____ Date of Birth: _____

Child's Name: _____ Date of Birth: _____

Child's Name: _____ Date of Birth: _____

- ☐ Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 4h" by your statement.
- i. ☐ We have signed a Voluntary Declaration of Paternity for our child or children. Attach a copy if you have one.

This is not a Court Order.

Your name: _____

5 Other Court Cases

- a. Have you and the person in **2** been involved in another court case? ☐ No ☐ Yes
If yes, where? County: _____ State: _____
What are the case numbers? *(If you know)* _____
What kind of case? *(Check all that apply)*
☐ Divorce/Dissolution ☐ Parentage/Paternity ☐ Legal Separation ☐ Domestic Violence ☐ Criminal
☐ Juvenile ☐ Child Support ☐ Nullity ☐ Civil Harassment
☐ Other *(specify)*: _____
- b. Are there any domestic violence restraining/protective orders now (criminal, juvenile, family)?
☐ No ☐ Yes *If yes, attach a copy if you have one.*

What orders do you want? Check the boxes that apply to your case ☒**6 ☐ Personal Conduct Orders**I ask the court to order the person in **2** not to do the following things to me or any of the people listed in **3**:

- a. ☐ Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
b. ☐ Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail

7 ☐ Stay-Away OrderI ask the court to order the person in **2** to stay at least _____ yards away from: *(Check all that apply)*

- | | |
|---|---|
| a. <input type="checkbox"/> Me | e. <input type="checkbox"/> The children's school or child care |
| b. <input type="checkbox"/> The people listed in 3 | f. <input type="checkbox"/> My vehicle |
| c. <input type="checkbox"/> My home | g. <input type="checkbox"/> Other <i>(specify)</i> : _____ |
| d. <input type="checkbox"/> My job or workplace | _____ |

If the person listed in **2** is ordered to stay away from all the places listed above, will he or she still be able to get to his or her home, school, job, or place of worship? ☐ Yes ☐ No *(If no, explain):* _____**8 ☐ Move-Out Order**I ask the court to order the person in **2** to move out from and not return to *(address)*: _____I have the right to live at the above address because *(explain)*: _____**9 ☐ Child Custody, Visitation, and Child Support**I ask the court to order child custody, visitation, and/or child support. *You must fill out and attach Form DV-105.***This is not a Court Order.**

Your name: _____

What orders do you want? Check the boxes that apply to your case ☒

- 10** ☐ **Record Unlawful Communications**
I ask for the right to record communications made to me by the person in **2** that violate the judge's orders.
- 11** ☐ **Property Control**
I ask the court to give **only** me temporary use, possession, and control of the property listed here:

- 12** ☐ **Debt Payment**
I ask the court to order the person in **2** to make these payments while the order is in effect:
☐ Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 12—Debt Payment" by your statement.
Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
- 13** ☐ **Property Restraint**
I am married to the person in **2**. I ask the judge to order that he or she not borrow against, sell, hide, or get rid of or destroy any possessions or property, except in the usual course of business or for necessities of life. I also ask the judge to order the restrained person to notify me of any new or big expenses and to explain them to the court.
- 14** ☐ **Attorney Fees and Costs**
I ask that the person in **2** pay some or all of my attorney fees and costs.
You must complete and file Form FL-150, Income and Expense Declaration.
- 15** ☐ **Payments for Costs and Services**
I ask that the person in **2** pay the following:
*You can ask for lost earnings or your costs for services caused directly by the person in **2** (damaged property, medical care, counseling, temporary housing, etc.). You must bring proof of these expenses to your hearing.*
Pay to: _____ For: _____ Amount: \$ _____
Pay to: _____ For: _____ Amount: \$ _____
Pay to: _____ For: _____ Amount: \$ _____
- 16** ☐ **Batterer Intervention Program**
I ask the court to order the person listed in **2** to go to a 52-week batterer intervention program and show proof of completion to the court.
- 17** **No Fee to Serve (Notify) Restrained Person**
If you want the sheriff or marshal to serve (notify) the restrained person about the orders for free, ask the court clerk if you need to file more forms. You may need Form CH-101/DV-290 and Form 982(a)(17).

This is not a Court Order.

Your name: _____

What orders do you want? Check the boxes that apply to your case ☒**18** ☐ **More Time for Notice**

I need extra time to notify the person in **2** about these papers. Because of the facts explained on this form, I want the papers served up to _____ days before the date of the hearing. *For help, read DV-210.*

If necessary, add additional facts: _____

19 ☐ **Other Orders**

What other orders are you asking for? _____

☐ *Check here if you need more space. Attach MC-020 and write "DV-100, Item 19—Other Orders" by your statement.*

20 **Turn in Guns or Other Firearms**

I ask the judge to order the person in **2** to sell or turn in any guns or firearms that he or she has or controls. If the judge approves the orders at a noticed hearing, the restrained person will be required to sell to a gun dealer or turn in to police any guns or firearms that he or she has or controls. *Describe any use or threatened use of firearms in **21**.*

21 **Describe the most recent abuse.**

a. Date of most recent abuse: _____

b. Who was there? _____

c. What did the person in **2** do or say that made you afraid?

d. Describe any use or threatened use of guns or other weapons: _____

e. Describe any injuries: _____

f. Did the police come? ☐ No ☐ Yes

If yes, did they give you an Emergency Protective Order? ☐ Yes ☐ No ☐ I don't know

Attach a copy if you have one.

☐ *Check here if you need more space. Use Form MC-020 and write "DV-100, Item 21—Recent Abuse" by your statement.*

☐ *Check here if the person in **2** has abused you (or your children) other times. Use Form DV-101 or Form MC-020 to describe any previous abuse.*

22 I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name



Sign your name

This is not a Court Order.

DV-105**Child Custody, Visitation, and
Support Request**

Case Number:

☒ This form is attached to DV-100, Item 9.1 Your name: _____ ☐ Mom ☐ Dad ☐ Other2 Other parent's name: _____ ☐ Mom ☐ Dad ☐ Other3 **Change of Current Court**☐ I want to change a current child custody or visitation court order.*Explain your current order and why you want a change. Then skip to 5 and finish the form. If you do not want a change, skip to 4 and finish the form.* _____

_____4 ☐ I want to keep my current child custody court order without any changes. *If there are no court orders for custody, you cannot check this box. If you check this box, skip the rest of this form. If you have a copy of the current court order, attach it.*5 **Child Custody**

I ask the court for custody as follows:

Legal Custody to: (Person who makes decisions about health, education, etc. Check at least one.)
Physical Custody to: (Person the child lives with. Check at least one.)

Child's Name	Date of Birth	Mom	Dad	Other*	Mom	Dad	Other*
a. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ If more children, check here. Attach a sheet of paper and write "DV-105, Item 5 — Child Custody" by your request.

*If Other, specify relationship to child and name of person: _____

6 **Child's Address**

Where has the child in 5a lived for the last 5 years? Give each address unless it is private. Start with where the child lives now and work backwards in time.

Child 5a's addresses:

Child 5a lived with:

Child 5a's addresses:	Mom	Dad	Other*	Dates lived there:
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ to present
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ to _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ to _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ to _____

*If Other, specify relationship to child and name of person: _____

7 **Other Children's Addresses**☐ Check here if the other child's (or children's) address information is the same as listed in 6.☐ If it is different, check here. Attach a sheet of paper and write "DV-105, Item 7 — Other Children's Addresses" by your list. List other children's address information, including dates, and name of person child lived with.**This is not a Court Order.**

Your name: _____

8 Other custody case?

Were you involved in, or do you know of, any other custody case for any child listed in this form?

☐ No ☐ Yes *If yes, fill out below:*

a. Name of each child in other custody case: _____

b. Type of case: ☐ Divorce ☐ Guardianship ☐ Adoption ☐ Juvenile ☐ Other (specify): _____c. I was a ☐ Witness ☐ Party ☐ Other (specify): _____

d. Court (name): _____

Address: _____ City: _____ State: _____

e. Date of court order: _____

9 Other people claim to have custody?Do you know of anyone who is not involved in this case who has or claims to have custody or visitation rights with any child listed on this form? ☐ No ☐ Yes *If yes, fill out below:*

Name and address of that person: _____

☐ Has custody ☐ Claims custody rights ☐ Claims visitation rights

For these children (name of each child): _____

☐ Check here if you need more space. Attach a sheet of paper and write "DV-105, Item 9" by your statement.**10 Visitation**I ask the court to order that the person in **2** have the following temporary visitation rights:

(Check all that apply)

a. ☐ No visitation until the hearingb. ☐ No visitation after the hearingc. ☐ The following visitation ☐ until the hearing ☐ after the hearing(1) ☐ **Weekends** (starting): _____ (The 1st weekend of the month is the 1st weekend with a Saturday.)☐ 1st ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th weekend of monthfrom _____ at _____ ☐ a.m. ☐ p.m. to _____ at _____ ☐ a.m. ☐ p.m.
(day of week) (time) (day of week) (time)(2) ☐ **Weekdays** (starting): _____from: _____ at _____ ☐ a.m. ☐ p.m. to _____ at _____ ☐ a.m. ☐ p.m.
(day of week) (time) (day of week) (time)(3) ☐ **Other Visitation***Attach a sheet of paper with other visitation days and times, like holidays, birthdays, sports events. List dates and times. Write "DV-105, Item 10 — Visitation" by your statement.***This is not a Court Order.**

Your name: _____

11 ☐ Supervised Visitationa. I ask that the visitation in **10** be supervised by *(write name and telephone number)*:

b. I ask that any costs for supervision be paid as follows:

Mom _____% Dad _____% Other *(name)* _____ %**12 ☐ Responsibility for Transportation for Visitation***"Responsibility for transportation" means the parent will take or pick up the child or make arrangements for someone else to do so.*a. ☐ Mom ☐ Dad ☐ Other *(name)*: _____ **to** the visits.b. ☐ Mom ☐ Dad ☐ Other *(name)*: _____ **from** the visits.c. ☐ Drop-off / pick-up of children will be at *(address)*: _____
_____**13 ☐ Travel With Children**☐ Mom ☐ Dad ☐ Other *(name)*: _____ **MUST** have written permission from the other parent, or a court order, to take the children outside of:a. ☐ The State of California.b. ☐ Other place(s) *(list)*: _____
_____**14 ☐ Child Abduction**☐ I believe that there is a risk the other parent will take our child out of California without my permission.
*If you check this box you must fill out and attach form DV-108.***15 ☐ Child Support**a. ☐ I ask the court for child support. *You must fill out and file FL-150 or FL-155 before your hearing.*b. ☐ I now receive or have applied for TANF, Welfare, CalWORKS, or Medi-Cal.c. ☐ I already have a child support order, but I want it changed.**16 Important!**

You must tell the court if you find out any other information about a custody case in any court for the children listed on this form.

This is not a Court Order.

DRAFT 4
09/19/03

1 Protected person's name: _____

Protected person's address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Phone # (optional): _____

Protected person's lawyer (if any): (Name, address, phone # and State Bar #):

Court name and street address:

Superior Court of California, County of _____

Case Number: _____

2 Restrained person's name: _____

Description of that person: Sex: ☐ M ☐ F Ht.: _____

Wt.: _____ Race: _____ Hair Color: _____

Eye Color: _____ Age: _____ Date of Birth: _____

3 List the full names of all family or household members protected by this order: _____

4 Court Hearing Date (Fecha de la Audiencia)

Court will fill in box below.

Hearing
DateThe court hearing will be at:
Date: _____ Time: _____
Dept.: _____ Rm.: _____

To the person in 2: At the hearing, the judge can make restraining orders that last for up to 3 years. The judge can also make other orders about children, child support, money, and property. At the hearing, you can tell the judge if you do not want the orders against you. Even if you do not attend the hearing, you *must* obey the orders.

Para la persona nombrada en 2: En esta audiencia el juez puede hacer que la orden de restricción sea válida hasta un máximo de 3 años. El juez puede también hacer otras órdenes acerca de niños, dinero y propiedad. Si Usted se opone a estas órdenes, vaya a la audiencia y dígaselo al juez. Aunque no vaya a la audiencia, tiene que obedecer estas órdenes.

5 Temporary Orders (Ordenes Temporales)

Any orders made in this form end on the date and time of the court hearing in 4, unless a judge extends them. Read this form carefully. All checked boxes ☒ and item 10 are court orders.

Todas las órdenes hechas en esta formulario terminarán en la fecha y hora de la audiencia en 4, al menos que un juez las extienda. Lea este formulario, con cuidado. Todas las casillas marcadas ☒ y artículo 10 son órdenes de la corte.

This is a Court Order.



Protected person's name: _____

6 ☐ **Personal Conduct Orders**The person in **2** must **not** do the following things to the protected people listed in **1** and **3**:

- a. ☐ Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
- b. ☐ Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail
 - ☐ Except for brief and peaceful contact as required for court-ordered visitation of children unless a criminal protective order says otherwise

Peaceful written contact through a lawyer or a process server or another person to serve legal papers is allowed and does not violate this order.

7 ☐ **Stay-Away Order**The person in **2** must stay at least _____ yards away from:

- a. ☐ The person listed in **1**
- b. ☐ The people listed in **3**
- c. ☐ Home ☐ Job ☐ Vehicle of person in **1**
- d. ☐ The children's school or child care
- e. ☐ Other (*specify*): _____

8 ☐ **Move-Out Order**The person in **2** must take only personal clothing and belongings needed until the hearing and move out immediately from (*address*): _____**9** ☐ **Child Custody and Visitation Order**

- a. ☐ You and the other parent must make an appointment for court mediation (*address and phone #*): _____
- b. ☐ Follow the orders listed in Form DV-140, which is attached.

10 **No Guns or Other Firearms**The person in **2** cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.**11** ☐ **Turn In or Sell Guns or Firearms**The person in **2**:

- Must sell to a licensed gun dealer or turn in to police any guns or firearms that he or she has or controls. This must be done within 48 hours of receiving this order. But if the person in **2** was at a hearing on this order, it must be done within 24 hours of the hearing.
- Must bring a receipt to the court within 72 hours of receiving this order, to prove that guns have been turned in or sold.

12 ☐ **Property Control**Until the hearing, *only* the person in **1** can use, control, and possess the following property and things:**This is a Court Order.**

Protected person's name: _____

13 ☐ **Property Restraint**

If the people in ① and ② are married to each other, they must not transfer, borrow against, sell, hide, or get rid of or destroy any property, except in the usual course of business or for necessities of life. In addition, each person must notify the other of any new or big expenses and explain them to the court.

14 ☐ **Record Unlawful Communications**

The person in ① can record communications made by the person in ② that violate the judge's orders.

15 **No Fee to Notify Restrained Person**

If the sheriff or marshal serves this order, he or she will do it for free.

16 ☐ **Other Orders** (*specify*): __________
_____**17** If the judge makes a restraining order at the hearing, which has the same orders as in this form, the person in ② will get a copy of that order by mail at his or her last known address. (*Write restrained person's address here*):

If this address is not correct, or to know if the orders were made permanent, contact the court.

18 ☐ **Time for Service****A To: Person Asking for Order**

Someone 18 or over – **not you or the other protected people** – must personally “serve” a copy of this order to the restrained person at least _____ days before the hearing.

B To: Person Served With Order

If you want to respond in writing, someone 18 or over – **not you** – must “serve” Form DV-120 on the person in ①, then file it with the court at least _____ days before the hearing.

For help with Service or Answering, read Form DV-210 or DV-540.

Date: _____

► _____
Judge (or Judicial Officer)

Certificate of Compliance With VAWA

This temporary protective order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. 2265 (1994) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in all jurisdictions throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

This is a Court Order.

Protected person's name: _____

Warnings and Notices to the Restrained Person in 2**19 If you do not obey this order, you can be arrested and charged with a crime.**

- It is a felony to take or hide a child in violation of this order. You can go to prison and/or pay a fine.
- If you travel to another state or to tribal lands, or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.
- If you do not obey this order, you can go to prison and/or pay a fine.

20 You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. If item **11** on this form is checked, you must sell to a gun dealer or turn in to police any guns or firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition if you are subject to a restraining order made after a noticed hearing.

21 After You Have Been Served With a Restraining Order

- Obey all the orders.
- If you want to respond, fill out Form DV-120. Take it to the court clerk with the forms listed in Item **22**.
- File DV-120 and have all papers served on the protected person by the date listed in Item **18** of this form.
- At the hearing, tell the judge if you agree to or disagree with the orders requested.
- Even if you do not attend the hearing, the judge can make the restraining orders last for 3 years.

22 Child Custody, Visitation, and Support

- Child Custody and Visitation: If you do not go to the hearing, the judge can make custody and visitation orders for your children without hearing your side.
- Child Support: The judge can order child support based on the income of both parents. The judge can also have that support taken directly from your paycheck. Child support can be a lot of money, and usually you have to pay until the child is 18. File and serve a Financial Statement (FL-155) or an Income and Expense Declaration (FL-150) so the judge will have information about your finances. Otherwise, the court may make support orders without hearing your side.

This is a Court Order.

Protected person's name: _____

Instructions for Law Enforcement**23 Start Date and End Date of Orders**

The start date is the date next to the judge's signature on page 3. The orders end on the hearing date on page 1 or the hearing date on Form DV-125, if attached.

24 Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836 (c) (1), 13701 (b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

25 Notice/Proof of Service

■ Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Fam. Code, § 6383.)

Consider the restrained person "served" (noticed) if:

- The officer sees a copy of the Proof of Service, or confirms that the Proof of Service is on file *or*
- The restrained person was at the restraining order hearing, or was informed of the order by an officer (Fam. Code, § 6383, Pen. Code, § 836 (c) (2).)

26 If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

27 Child Custody and Visitation

- Custody and visitation orders are on Form DV-140, Items **3** and **4**. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- **Forms DV-100 and DV-105 are not orders. Do not enforce them.**

28 Enforcing the Restraining Order in California

Any law enforcement officer in California who receives, sees, or verifies the orders on a paper copy, or on the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File must enforce the orders.

29 Conflicting Orders

If a criminal restraining order (CR-160) conflicts with a civil restraining order (DV-110 or DV-130), enforce the criminal order. Even if the criminal order is older, the officer must still enforce it over the civil order. (Pen. Code, § 136.2 (h).) Any nonconflicting terms of the civil restraining order remain in full force.

*Clerk's Certificate**[seal]*

I certify that this Temporary Restraining Order is a true and correct copy of the original on file in the court. Date: _____

Clerk, by _____, Deputy

This is a Court Order.

**DRAFT 6
9-22-03**

Court name and street address:

Superior Court of California, County of**Case Number:****1** Protected person's name: _____Protected person's address (*skip this if you have a lawyer*): (*If you want your address to be private, give a mailing address instead*):

City: _____ State: _____ Zip: _____

Your phone # (*optional*): (____) _____Your lawyer (*if you have one*): (*Name, address, phone #, and State Bar #*):

_____**2** Restrained person's name: _____Description of that person: Sex: ☐ M ☐ F Ht.: _____

Wt.: _____ Race: _____ Hair Color: _____

Eye Color: _____ Age: _____ Date of Birth: _____

3 List the full names of all other family or household members protected by this order: _____
_____**4 Court Order****To the person named in ②: This is a court order.**

Court will fill out section below.

There was a hearing on (*date*): _____ at (*time*): ☐ a.m. ☐ p.m. Dept.: _____ Rm.: _____

Judge _____ made the orders at the hearing.

The orders end at (*time*): ☐ midnight or _____ ☐ a.m. ☐ p.m. on (*date*): _____.**End
Date**■ *If no date is written, the restraining orders end 3 years after the date of the hearing.*■ *If no time is written, they end at midnight on the end date.*■ *Note: Custody, visitation, or support orders have different end dates and usually end when the children turn 18.*All orders are on pages 2 and 3 and attachment pages (*if any*).**This is a Court Order.**

Protected person's name: _____

5 ☐ Personal Conduct Orders

The person in ❷ must not do the following things to the protected people listed in ❶ and ❸:

- a. ☐ Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
- b. ☐ Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail
☐ Except for brief and peaceful contact as required for court-ordered visitation of children unless a criminal protective order says otherwise.

Peaceful written contact through a lawyer or a process server or another person in order to serve legal papers is allowed and does not violate this order.

6 ☐ Stay-Away Order

The person in ② must stay at least _____ yards away from:

- a. ☐ The person listed in ❶
- b. ☐ The people listed in ❸
- c. ☐ Home ☐ Job ☐ Vehicle of person in ❶
- d. ☐ The children's school or child care
- e. ☐ Other (*specify*): _____

7 ☐ Move-Out Order

The person in ② must move out immediately from (address): _____

8 ☐ **Child Custody and Visitation** are ordered on the attached Form DV-140 or (*specify other form*): _____

9 ☐ **Child Support** is ordered on the attached Form DV-160 or (*specify other form*): _____

10 No Guns or Other Firearms

The person in ② cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

11 Turn In or Sell Guns or Firearms

The person in ② :

- Must sell to a licensed gun dealer or turn in to police any guns or firearms that he or she has or controls. This must be done within 48 hours of receiving this order. But if the person in ② was at a hearing for this order, it must be done within 24 hours of the hearing.
- Must bring a receipt to the court within 72 hours of receiving this order, to prove that guns or firearms have been turned in or sold.

12 ☐ Record Unlawful Communications

The person in ❶ has the right to record communications made by the person in ❷ that violate the judge's orders.

This is a Court Order.

Protected person's name: _____

13 ☐ **Batterer Intervention Program**

The person in **2** must go to and pay for a 52-week batterer intervention program, and show proof of completion to the court. This program must be approved by the probation department.

14 **No Fee to Notify Restrained Person**

If the sheriff or marshal serves this order, he or she will do it for free.


15 ☐ **Other Orders** relating to property control, debt payment, attorney fees, restitution, and/or other orders are in attached Form DV-170 or *(specify other form)*: _____**16** ☐ **Service**

- a. ☐ The people in **1** and **2** were at the hearing. No other proof of service is needed.
- b. ☐ The person in **1** was at the hearing. The person in **2** was not. But Proof of Service of DV-110 was presented to the court.
- (1) ☐ The judge's orders in this form are the same as DV-110 except for the end date. This order can be served by mail.
- (2) ☐ The judge's orders in this form are different from DV-110. Someone — not the people in **1** or **3** — must Personally "serve" a copy of this order to the person in **2**.
- c. ☐ The people in **1** and **2** have agreed in writing to this order. No other proof of service is needed.

17 ☐ The people in **1** and **2** must return to this court/department on *(date)*: ____ / ____ / ____
at *(time)*: _____ ☐ a.m. ☐ p.m. to review *(specify issues)*: _____**18** **Attached Pages Are Orders**

- Number of pages attached to this 5-page form: _____
- All of the attached pages are part of this order.
- Attachments include *(check all that apply)*:
- ☐ DV-140 ☐ DV-145 ☐ DV-150 ☐ DV-160 ☐ DV-170 ☐ Other *(specify)*: _____

Date: _____



*Judge (or Judicial Officer)***Certificate of Compliance With VAWA**

This protective order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. 2265 (1994) (VAWA). This court has jurisdiction over the parties and the subject matter; the restrained person has been afforded reasonable notice and an opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in all jurisdictions throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

This is a Court Order.

Protected person's name: _____

Instructions for Law Enforcement**19 Start Date and End Date of Orders**

The orders *start* the earlier of the following dates:

- The hearing date on page 1 *or*
- The date next to the judge's signature on page 3.

The orders *end* on the end date on page 1. If no end date is listed, they end 3 years from the start date.

20 Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c) (1), 13701 (b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

21 Notice/Proof of Service

- Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Fam. Code, § 6383.)

Consider the restrained person "served" (noticed) if:

- The officer sees a copy of the Proof of Service, or confirms that the Proof of Service is on file *or*
- The restrained person was at the restraining order hearing, or was informed of the order by an officer (Fam. Code, § 6383, Pen. Code, § 836(c)(2).)

22 If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact from the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact by the restrained person. The orders can be changed only by another court order (Pen. Code, § 13710(b).)

23 Child Custody and Visitation

- The custody and visitation orders are on Form DV-140, Items ③ and ④. They are sometimes also written on additional pages, or referenced in DV-140 or other orders that are not part of the restraining order.
- **Forms DV-100 and DV-105 are not orders. Do not enforce them.**

24 Enforcing the Restraining Order in California

Any law enforcement officer in California who receives, sees, or verifies the orders on a paper copy, the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File, must enforce the orders.

25 Conflicting Orders

If a criminal restraining order (CR-160) conflicts with a civil restraining order (DV-110 or DV-130), enforce the criminal order. Even if the criminal order is older, the officer must still enforce it over the civil order. (Pen. Code, § 136.2(h).) Any nonconflicting terms of the civil restraining order remain in full force.

This is a Court Order.

Protected person's name: _____

Warnings and Notices to the Restrained Person in ②**26 If you do not obey this order, you can be arrested and charged with a crime.**

- It is a felony to take or hide a child against this order. You can go to prison and/or pay a fine.
- If you travel to another state or to tribal lands, or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.
- If you do not obey this order, you can go to prison and/or pay a fine.

27 You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to police any guns or firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect.

Clerk's Certificate
[seal]

I certify that this Restraining Order After Hearing is a true and correct copy of the original on file in the court.

Date: _____

Clerk, by _____, Deputy

This is a Court Order.

Be prepared.

- Bring documents that support your case (police or medical reports, rental agreements or receipts, photos, bills, etc.). Bring two copies of all documents and filed forms, including the Proof of Service.
- You can bring a friend or relative (a “support” person), but that person must not talk for you in court.
- You can bring a witness to help support your case. Witnesses may or may not be permitted to testify. But you can bring a written statement of what the witness saw or heard. You must file and serve witness statements at the same time that you file Form DV-100 and DV-110.
- Most courtrooms do not allow children. Ask if there is a children's waiting room in the courthouse.

Don't miss your hearing!

If you miss it, the restraining orders will end and you will have to start from the beginning.

Get there 30 minutes early.

- Find the courtroom.
- When the courtroom opens, go in and tell the clerk or officer that you are present.
- If you are afraid of the restrained person, tell the officer.
- Watch the other cases so you will know what to do.
- When your name is called, go to the front of the courtroom.
- Your hearing may last just a few minutes or up to an hour.

What if I don't speak English?

When you file your papers, tell the clerk you will need an interpreter. If a court interpreter is not available, bring someone to interpret for you. Do not ask a child, a protected person, or a witness to interpret for you.

What if I am deaf?

When you file your papers, ask for an interpreter or other accommodation.

Practice what you want to say.

Make a list of the orders you want and practice saying them. Do not take more than 3 minutes to say what you want.

If you get nervous at the hearing, just read from your list. Use that list to see if the judge has made every order you asked for.

The judge may ask questions.

- Tell the truth. Speak slowly. You can read from your list.
- The restrained person or his or her lawyer may also ask you questions.
- Give complete answers.
- If you don't understand, say “I don't understand the question.”
- If the restrained person lies in court, wait until he or she finishes talking. Then tell the judge.
- Speak only to the judge unless it is your turn to ask questions.
- When people are talking to the judge, wait for them to finish. Then you can ask them questions about what they said.

The judge will decide.

- At the end of the hearing, the judge will say what the orders are.
- Make sure your Form DV-130 says what the judge has ordered. Sometimes the clerk fills out the form for you. If not, fill it out yourself. If you filled it out before the hearing, you may have to make changes.
- Review it and make sure you understand. If anything is wrong or missing, tell the clerk right away.
- If the judge makes the orders, the judge will sign your DV-130. Take it to the clerk to file it. The clerk will give you up to 5 copies.

The judge may “continue” your case.

This means you have to come back another day. The judge can do this if:

- The restrained person needs time to get a lawyer or prepare an answer
- The judge wants more information
- Your hearing is taking longer than planned

Ask the clerk for the forms you need.

What about child custody or visitation?

- If you need child custody or visitation orders, the judge will send you to mediation. Mediation helps parents agree on a plan for custody and visitation that is best for the children.
- If you are sent to mediation, the judge may make your restraining, custody, and visitation orders last until the next hearing or until another court order.
- Either parent can ask to meet with the mediator separately. You can bring a support person with you to mediation. A support person can provide emotional support but cannot speak for you.

What happens after the hearing?

- Ask the clerk if the court will fill out DV-130 for you. If not, fill it out.
- If the judge makes the orders, go to the clerk and file DV-130.
- Take a copy of DV-130 to your local police or sheriff if the clerk does not send it for you.
- If the restrained person was at the hearing, you can have him or her served with a copy of DV-130 by mail. Ask the server to complete Form DV-250 and give it back to you after the restrained person receives DV-130.
- If the restrained person was not at the hearing, but the judge's orders are the *same* as the temporary order, you can have him or her served with a copy of DV-130 by mail. Ask the server to complete Form DV-250 and give it back to you.
- If the restrained person was not at the hearing, and the judge's orders are *different* from the temporary order, you must have someone serve DV-130 in person, not by mail. Ask the server to complete Form DV-200 and give it back to you.

Remember, you and other protected people cannot serve the orders.

The sheriff or marshal can serve the orders for free. Ask the court clerk if you need to file more forms. You may need Form CH-101/DV-290 and Form 982(a)(17). Otherwise, take your Proof of Service (DV-200 or DV-250) to the clerk and file it. Keep a copy. Read DV-210 for help.

Be prepared.

- Bring documents that support your case (police or medical reports, rental agreements or receipts, pictures, bills, etc.).
- You can bring a witness to help support your case. Witnesses may or may not be permitted to testify. But you can bring a written statement of what the witness saw or heard. (You must file and serve witness statements by mail or in person, along with your Answer (Form DV-120). Bring filed copies of your Answer and Proof of Service (DV-250) to your hearing.)
- Most courtrooms do not allow children. Ask the court clerk if there is a children's waiting room in the courthouse.
- **Don't miss the hearing! If you miss it, the judge can make the orders without hearing from you.**

Get there 30 minutes early.

- Find the courtroom.
- When the courtroom opens, go in and tell the clerk or officer that you are present.
- If the person who asked for the order is present, do not sit near or talk to him or her.
- Watch the other cases so you will know what to do.
- When your name is called, go to the front of the courtroom.
- Your hearing may last just a few minutes or up to an hour.

What if I don't speak English?

Ask someone who speaks English to call the court clerk at least a week before your hearing. Ask for a court interpreter. You may have to pay a fee. If a court interpreter is not available, bring someone to interpret for you. Do not ask a child or a witness to interpret for you.

What if I am deaf?

Contact the clerk at least 1 week before the hearing. Ask for an interpreter or other accommodation.

Practice saying what you disagree with.

Make a list of the orders you disagree with. Practice saying why you disagree. Do not take more than 3 minutes to say which orders you disagree with.

If you get nervous at the hearing, just read from your list. Use your list to make sure you have told the judge about each order you disagree with.

The judge may ask questions.

- Tell the truth. Speak slowly. You can read from your list.
- The other person or a lawyer may also ask you questions.
- Give complete answers.
- If you don't understand, say "I don't understand the question."
- If the other person lies in court, wait until he or she finishes talking. Then tell the judge.
- Speak only to the judge. Do not talk to the other person unless it is your turn to ask questions.
- When people are talking to the judge, wait for them to finish. Then you can ask them questions about what they said.
- Do not sit near or talk to the other person.

The judge will decide.

- At the end of the hearing, the judge will say what the orders are.
- You will be served with the Restraining Order After Hearing (DV-130) within a few days, by mail or in person.
- If anything on the DV-130 form is different from what the judge ordered, talk to a lawyer right away. Or ask the court clerk how to find free or low-cost legal services.

The judge may "continue" your case.

This means you have to come back another day. The judge can do this if:

- You need more time to get a lawyer or prepare an answer
- The judge wants more information
- Your hearing is taking longer than planned

If your case is continued

- The judge may make the orders last until the new hearing date.
- Bring all your papers back to court at the next hearing.

What about child custody or visitation?

- If you need child custody or visitation orders, the judge will send you to mediation. Mediation helps parents agree on a plan for custody and visitation that is best for the children.
- If you are sent to mediation, the judge may make your temporary custody and visitation orders last until the next hearing or until another court order.
- Either parent can ask to meet with the mediator separately.

What happens after the hearing?

- If the judge makes the orders, you must obey them. If you don't, you can be arrested.
- If you do not receive a copy of the orders, ask the clerk for a copy, or talk to a lawyer.

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(approve form DV-260 and DV-720; and revise forms DV-100, DV-105; DV-110, DV-130, DV-520, and DV-550)

	Commentator	Form	Position	Comment on behalf of group?	Comment	Committee Response
1.	Grant Barrett General Counsel Superior Court of Calaveras County	N/A	A	N	Good work. I agree with the decisions made on controversial issues.	No response required.
2.	Hon. Kathleen Bryan Commissioner Superior Court of San Bernardino County	N/A	A	N		No response required.
3.	Mr. Robert Gerard President Orange County Bar Association	N/A	A	Y	There have been so many domestic violence form revisions that additional forms are overwhelming; however, all of these seem reasonable.	No response required.
4.	Cristina Llop Director, Access Superior Court of San Francisco County	N/A	N	N	Missing accent on page 1 of TRO on Spanish word “Órdenes”. On Tips for Court → concerned that restrained person (or both) are told that judge may continue matter if restrained person needs lawyer or more time to answer. I see potential for abuse and it implies not just that continuance will happen but that only restrained person has any say in this.	According to our court-certified translator, an accent mark is not appropriate on a capitalized letter. Agree to double-check Spanish translations. The restrained person has the right to request a continuance to seek counsel, as a matter of law. The petitioner does not, and must be ready to proceed.
5.	Tricia McCoy Supervising Clerk - Juvenile Division Superior Court of Kern County	N/A		N	No comment by the Juvenile Rules Committee.	No response required.

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6.	Hon. John Smiley Assistant Presiding Judge Superior Court of Ventura County	N/A	AM	N	DV-700: A bad situation with no easy solution. Risks exposure of protected person.	Unsure what the suggestion is. Form DV-700 was not circulated for comment.
7.	Mia A. Baker Chair State Bar Standing Committee on the Delivery of Legal Services	DV-100	A	Y	<p>DV-100: Our reviewers commented that the majority of revisions to this form present no problem. However, concerning Item 21: the purpose for this question is to prompt the victim to detail the most recent incident of abuse. This information is necessary for the judge to rule on the TRO and for the respondent to be able to defend against the restraining order.</p> <p>From a practitioner's stand point, this one section of the form is very limiting and the attachment (consisting of lines and the same prompts) does not lend itself to telling the victim's story. The format could inhibit the victim and advocate from giving important details regarding the victim's experience and the reasonableness of the fear which s/he feels. Our reviewers find that a Declaration is the preferable form to accomplish this, and MC-020 can be used for this purpose.</p>	<p>DV-100: Self-represented litigants often do not provide the judicial officer enough information to make a determination. The prompts were developed to respond to that concern. When these forms were distributed for comment in 2002, most commentators approved of the prompts.</p> <p>Practitioners should feel free to check the box at the end of the item and submit the declaration on pleading paper or MC-020.</p>
8.	Hon. Ronald L. Bauer Judge Superior Court of Orange	DV-100	AM	Y	DV-100: Some domestic violence cases have guardians ad litem appointed. On all the domestic violence forms, where the moving	The committee will consider this suggestion in future development of the form.

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	Commentator	Form	Position	Comment on behalf of group?	Comment	Committee Response
	County				party and responding party are named, can there be a place to add a guardian ad litem? Add a place by or below the case number where the judicial officer assigned for all purposes can be listed.	
9.	Valerie Fercho-Tillery, Manager Peggy Kelly, Field Representative California Department of Justice	DV-100	AM	N	DV-100, <i>Request for Order</i> It may be a burden for a petitioner to complete and attach an MC-020 to respond with additional information. The MC-020 is simply a piece of paper with no lines for the written word with numbers down the side. We see no point in asking a petitioner to use this form. A petitioner has enough forms to complete. If you choose to add this requirement, for consistency, you need to add it to Items 4 and 19 as well.	If given no direction, litigants may attach odd-sized pieces of paper. The committee believes it is better to provide some direction as to the type of paper to attach. Agree to add notice to litigant that he or she may always use an 8 ½-by-11 inch sheet of paper if directed to use form MC-020. Where space permits, agree to add text to direct the litigant to write a statement either on an 8 ½-by-11 inch sheet of paper or form MC-020. The committee will monitor this issue to determine if it presents a widespread problem.
10.	Hon. Mary Ann Grilli Judge Superior Court of Santa Clara County	DV-100	AM		DV-100: in paragraph 6, should we add the exceptions that are being used on the TRO forms here as well? In 7, I suggest changing f to vehicle, since not everyone has a car and I know we want to avoid some clever defendant from saying that this does not apply to a motorcycle or a truck. In 16, consider whether there should also be a	Item 6: The court is authorized to make the exceptions on its own motion. The committee will consider this suggestion in future revisions of the form. Item 7: Agree to this technical suggestion to change the word “car” to “vehicle.”

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	Commentator	Form	Position	Comment on behalf of group?	Comment	Committee Response
					<p>requirement of service on the moving party of the proof of completion.</p> <p>17 should substitute serve for notify.</p>	<p>Item 16: The committee will consider this suggestion in future revisions of the form.</p> <p>Item 17: Agree to revise title and text to add the word “Serve” and enclose the word “notify” in parentheses. This is the first time the litigant has seen the word “serve” and he or she may not know what it means.</p>
11.	Karen Houle Supervising Superior Court Clerk Superior Court of Kern County	DV-100	AM	N	DV-100, Item 12: The judge would like to see a reason why they are requesting certain property.	Unfortunately, space considerations do not allow for additional directives or responses at this time. The committee will consider this suggestion in future revisions of the form.
12.	Hon. Suzanne N. Kingsbury Presiding Judge Superior Court of El Dorado County	DV-100	N	N	On form DV-100, at page 4, section “g” states: “Describe any previous abuse.” It would be of assistance to have the applicant put down the date of the prior acts. If I am presented with a marginal application, but the prior acts of abuse are recent, then I would be inclined to grant the requested relief. If the acts were very distant in time, this might also affect my decision.	Agree to add another checkbox in item 21 to allow litigants to describe previous abuse.
13.	Stephen Love Court Executive Officer Superior Court of San Diego	DV-100	AM	N	DV-100: Option should be available to just attach 8 ½ by 11 piece of white paper and label it with the corresponding number.	Where space permits, agree to add text to direct the litigant to write a statement either on an 8 ½ X 11 sheet of paper or form MC-

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	County				Litigants have enough trouble without trying to distinguish forms.	020.
14.	Catherine Portillo Volunteer Attorney Harriett Buhai Center for Family Law	DV-100	AM	Y	<p>DV-100:</p> <ul style="list-style-type: none"> Items 3, 12, and 21: If Judicial Council form MC-020 is to be used as an attachment for additional information, it should be revised into the plain language format. Forcing litigants to use completely different looking forms in the preparation of their pleadings will be confusing, and defeats the purpose for the plain language forms. <p>Item 17: The method for applying for free service of the restraining order is not clearly stated on the form. Instead, the form refers a litigant to the court clerk for advice. However, court clerks cannot give legal advice. We propose instead that the form provide actual instructions on how to apply for free service.</p>	<p>Where space permits, agree to add text to direct the litigant to write a statement either on an 8 ½ X 11 sheet of paper or form MC-020. Form MC-020 serves as pleading paper. Thus, it is not difficult to understand and does not appear to require the creation of an additional form. The committee will monitor this issue to determine if there is sufficient need to create an additional form.</p> <p>Court procedures vary throughout the state. Some courts do not require the fee waiver forms, others do. Therefore, some vagueness in the direction is unavoidable. The clerk can indicate to the litigant whether the court's process requires completion of the indicated forms. This is not legal advice.</p>
15.	Molly Sugarman Paralegal, Facilitator Placer County Family Court	DV-100	AM	N	DV-100: Regarding item 3, 12, 21 on DV-100, parties should be required to use 8 1/2 by 11 paper but not lined pleading paper. The issue is access, not form.	Where space permits, agree to add text to direct the litigant to write a statement either on an 8 ½ X 11 sheet of paper or form MC-020.
	Mia A. Baker Chair State Bar Standing Committee	DV-110	A	Y	DV-110: Approve.	DV-110: No response required.

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	on the Delivery of Legal Services					
	Hon. Ronald L. Bauer Judge Superior Court of Orange County	DV-110	AM	Y	<p>DV-110: Item 6b: Add “or fax” after the “or e-mail.”</p> <p>Item 17: This provision says the person listed in Item 2 will get a copy of the order by mail at his or her last known address. What if the person listed in Item 2 is in the courtroom at the time, and has been served directly in the courtroom? Suggest adding to the sentence “unless served with the orders in the courtroom.”</p> <p>Item 17 seems to imply that the clerk will do the mailing, since it is silent in indicating who is to do the mailing. Form DV-130, Item 16 allows for other types of service and is clear in who should do the service. Also, form DV-520, page 2 contains good language regarding service by mail if done by a “server.” Can some of the DV-130/DV-520 wording be used in DV-110? This would also lead to consistency in service language used in these forms.</p>	<p><i>Item 6</i> The committee will consider this suggestion in future development of the form.</p> <p><i>Item 17</i> The existing text is statutorily required. The committee will consider this suggestion in future development of the form.</p> <p>The committee will consider this suggestion in future development of the form.</p>
16.	Evy Leviege Braggs	DV-110	AM	N	DV-110, Item 7: The stay-away order allows	Litigants can make these requests under

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	Domestic Violence Case Manager Superior Court of Alameda County				for stay-away from car of person in Item 1 but does not reflect the vehicles of any additional protected persons.	subsection (d) "Other."
	Valerie Fercho-Tillery, Manager Peggy Kelly, Field Representative California Department of Justice	DV-110	AM	N	<p>DV-110: <i>Temporary Restraining Order and Notice of Hearing</i></p> <p>Item 1 – In the Address field change the statement to: "If you want your address to be private, give another address where you can receive mail." Mailing addresses and a person's street address are oftentimes the same. The address information could also be labeled as optional.</p> <p>Items 1 and 3 – We are requesting date of birth or age, sex, and race of all parties to be protected. This information could be labeled as optional on the form. These identifiers will assist law enforcement in identifying and protecting the parties listed in the order. Additionally, if we have the date of birth of the protected person, that information will allow the protected person's identity to be sent to the FBI's NCIC Protection Order file, if the order is served. Without a protected person DOB, protected person information cannot be sent to the national system. We recognize the Judicial Council is proposing the new DV-260 in an</p>	<p><i>Item 1</i> Currently, there is insufficient space for the requested change. The committee will monitor this issue to determine if it is presenting a problem for litigants. The committee believes that the current reference is sufficiently clear.</p> <p><i>Items 1 and 3</i> The identifying information, sought on the proposed DV-260, caused significant concern among domestic violence victim advocates. The requested information is on <i>Confidential CLETS Information</i> (form DV-260). The committee will monitor this issue and will consider this suggestion in future development of the form.</p>

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					<p>attempt to capture this information, but this form may not be completed by the petitioner and provided to the entering agency.</p> <p>Item 5 – Remove: “All checked boxes are court orders.” Also remove from the top of pages 2 and 3 “Checked boxes are court orders.” This statement is not on the DV-130 and by removing from the DV-110 it would make the forms consistent and save space. An alternative is to add the “check box” instructions to the DV-130 for consistency.</p> <p>Item 6 – The separate check boxes for harassment and no contact orders have created confusion when entering information into the statewide Domestic Violence Restraining Order System (DVROS). DVROS was programmed years ago when the harassment and no contact orders were together on the restraining order form. DVROS has a mandatory contact field. If an “N”, for no contact, is entered in the field, DVROS programmatically returns a “Do not contact, harass, attack, strike, etc.” statement to match the type of restraining order being entered. By separating the no contact and harassment orders on the restraining order form, it has become difficult</p>	<p><i>Item 5</i> Agree to remove the statement from DV-110. Due to space considerations, the advisement cannot be added to DV-130 at this time. The notice exists on page one of DV-110 already and a note that item 10 is also a court order will be added.</p> <p><i>Item 6</i> When DV-110 was distributed for comment in the Spring cycle of 2002, the committee specifically sought comment on this change. This concern about entering the data into CLETS was not presented to the committee during the public comment process. In addition, the <i>Protective Order in Criminal Proceeding</i> (CR-160) reflects a similar division of orders. In that form, there are separate checkboxes for “no personal, telephonic, or written contact...” and “...no contact...” and a separate provision for “not annoy, harass, strike, threaten...” etc.</p>

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					<p>for the agency entering the information into DVROS when only one of the two boxes is checked.</p> <p>DOJ's suggestion is to remove the check boxes after "a" and "b" and leave the check boxes before "Personal Conduct Orders" and "Except for brief and peaceful contact . . ."</p> <p>If this is not done, DOJ will have to do extensive re-programming of DVROS to remove the programmatic contact and harassment statement and add a separate data field code for harassment orders. Not only will this involve several months of programming effort, but it will be extremely costly.</p> <p>***PLEASE NOTE*** Since these forms must have the approval of DOJ, we will be more than happy to work with the Forms Committee to reach an agreement in this area.</p> <p>Item 10 – Remove the checked box. This is a mandatory provision of law and should be represented as such. We have seen orders where someone has used 'whiteout' to remove the automatic check boxes for the firearms restrictions.</p>	<p>The division allows the court discretion to make orders that the litigants want and need.</p> <p><i>Item 10</i> Agree.</p>

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					<p>Item 11 – If you cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm, as stated in Item 10, then why doesn't the restrained person have to turn in or sell their guns or firearms? This item confuses law enforcement. Law enforcement always comments, "If you cannot own, possess or buy, then that also means you must surrender."</p> <p>If this provision must be present on this form, please add the word "OPTIONAL" in large bold lettering next to "Turn In or Sell Guns or Firearms." Also indicate, "If the box is checked, you must turn in or sell your guns or firearms."</p> <p>--- OR ---</p> <p>Remove the check box after #11 and before "Turn In or Sell Guns of Firearms." If the person cannot own, possess, etc., then they must turn in or sell their firearm. If there are other options, then those options should be present in this area.</p> <p>Also, after the second bullet, change the verbiage to "Must bring a receipt (DV 800/JV-252) to the court . . ."</p>	<p><i>Item 11</i> Current law states that relinquishment is only mandatory upon a noticed hearing; the statute is confusing. The form cannot change until the statute changes. If new legislation clarifies that firearms must be relinquished upon issuance of an order (whether duly noticed or not), then the form will be revised to remove the checkboxes on item 11 altogether.</p> <p>Adding the advisement "Optional" or "If this box is checked, you must turn in or sell your guns or firearms" could cause confusion. Since none of the other items have a similar advisement, people might think that the other items are not court orders.</p>

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					<p>--- OR ---</p> <p>Add the statements, with check boxes, “You must turn in or sell your guns or firearms” and “You do not have to turn in or sell your guns or firearms.” The court would be required to check mark one of the two boxes indicating whether or not the restrained person has to surrender their firearms.</p> <p>***PLEASE NOTE*** You may wish to consult with personnel at DOJ’s Firearms Division and at the Bureau of Alcohol, Tobacco and Firearms for their advice on how the firearms restrictions should be addressed on this form.</p> <p>Item 15 – Can any law enforcement agency serve this order for free, or just a sheriff or marshal?</p> <p>Should a reference to the proposed CH-101/DV290 – A Request and Order for Free Service of Restraining Order (CH-101/DV-290) also be made here since that order also needs a judge’s signature?</p> <p>Will the proposed CH-101/DV-290 be required to be given to the serving agency so that agency can affect service?</p>	<p><i>Item 11 receipt</i> Law enforcement has notified staff that they have different types of receipts. The DV-800/JV-252 is an optional form and therefore cannot be required.</p> <p><i>Item 15</i> Agree to revise form to indicate that the sheriff or marshal can serve the order for free. The advisement is made in the application, since it is directed to the protected person and does not concern the restrained person. That form stands alone and therefore does not need to be incorporated by reference in DV-110. CH-101/DV-290 is a mandatory form.</p>

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					Item 29 – A statement needs to be added about what happens when there are two conflicting civil orders.	<i>Item 29</i> There is no statutory guidance on this matter.
	Hon. Mary Ann Grilli Judge Superior Court of Santa Clara County	DV-110	AM		DV 110- Item 4: I propose that the sentence about the judge making orders put the children first and say custody and visitation. The language about not wanting the orders against you is somewhat confusing. Really, it is if they object to the orders. There should be some mention of the answer, since some courts will not allow the respondent to participate without filing a written answer. Item 6: Page 2, section 6, I suggest adding related to a court case.	DV-110: <i>Item 4:</i> Agree to this technical suggestion to reverse children and money. Currently, space considerations do not allow us to add the words “custody and visitation,” nor to address the concept of a written answer because we would need to include the form number. These concepts are addressed on page 4 of the form. <i>Item 6:</i> When this language was approved last year, the committee discussed this wording at length. Litigants may need to exchange legal documents that are not so clearly “related to a court case.” When the form was developed, it was determined that anything more narrow could cause unnecessary confusion. Parties are allowed to have contact through an attorney and the current limitation is already narrowing that allowance.

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					<p>In 7c, substitute vehicle for car.</p> <p>In 9b, it should say that both parties must follow the orders.</p> <p>On page 3, section 13, please add after expenses in the last line the words in writing.</p> <p>In 14, can the other protected people record prohibited communications as well?</p> <p>In 17, you might want to add: To the restrained person:</p> <p>In the VAWA certification, second line, the word of should be to.</p> <p>On page 4, section 22, last line, should say may rather than will, since there may be circumstances where it is not done.</p>	<p><i>Item 7c:</i> Agree.</p> <p><i>Item 9b:</i> The current text is not limited to just the restrained person.</p> <p><i>Item 13:</i> There is no space to add the words “in writing” as suggested.</p> <p><i>Item 14:</i> The statute only allows the protected person to record communications.</p> <p><i>Item 17:</i> Unfortunately, space considerations do not allow additional text at this time.</p> <p>The VAWA certification language was carefully reviewed by national certification language experts and this is the language they suggested.</p> <p><i>Item 22:</i> Agree to change “will” to “may.”</p>
	Stephen Love Court Executive Officer Superior Court of San Diego County	DV-110	AM	N	DV-110, Item 22: The last sentence should be changed from “will” to “may” because bench officer may not make the orders in this action.	Agree to this technical suggestion to replace “will” with “may.”
	Hon. John Smiley	DV-110	AM	N	DV-110, Section 4: Impossible to use if the	The committee will consider this suggestion

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	Assistant Presiding Judge Superior Court of Ventura County				temporary restraining order is denied and the case is set for hearing.	in future development of the form. The suggestion would require an additional judicial signature as well as deletion of some important information on the first page.
	Molly Sugarman Paralegal, Facilitator Placer County Family Court	DV-110	AM	N	DV 110 item 4, the court may make orders about <i>temporary</i> possession and use of property, not final ownership.	This comment is true about a variety of the orders the court makes. In a simplified form, it is difficult to fully explain all of the legal ramifications of the court's orders.
	Mia A. Baker Chair State Bar Standing Committee on the Delivery of Legal Services	DV-130		Y	DV-130: If restraining orders are to begin to be modified – then the changes on this form are necessary to conform to new policy. However, the question whether restraining orders should be modified is a separate discussion which we will address in the section for the new forms.	Response is set forth in discussion of DV-300 series. At this time, the committee will not propose adding a provision regarding modification to DV-130.
	Evy Leviege Braggs Domestic Violence Case Manager Superior Court of Alameda County	DV-130			DV-130: Item 3: For clarification purposes, it should require the names of all the protected persons, since on occasion the person filing the paperwork may not be the protected person. — i.e., parents who file on behalf of their children. Item 6: does not state stay-away order from additional protected person's vehicles.	DV-130: <i>Item 3</i> The committee will consider this suggestion in future development of the form. <i>Item 6</i> This request can be listed under "Other."

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					Item 17: Some courts transfer domestic violence matters after the first hearing or consolidate them into other family law actions. Suggest that Item 17 leave a space available to enter court/department number instead of saying “this” court/department.	<i>Item 17</i> The committee will consider this suggestion in future development of the form. At this time, there is insufficient space to clearly state which court and/or department the litigants must return to. In those cases where the return is to a different department, the court can indicate that on the form.
17.	Emberly C. Cross Coordinating Attorney Cooperative Restraining Order Clinic	DV-130	AM	N	DV-130, Item 14: Should this mirror Item 15 of the Temporary Restraining Order and not have a checkbox, or is there a different requirement for free service of process for TROs and OAHs?	Agree to this technical change to remove the checkbox entirely, so that it tracks the TRO.
	Valerie Fercho-Tillery, Manager Peggy Kelly, Field Representative California Department of Justice	DV-130	AM	N	DV-130 – <i>Restraining Order After Hearing</i> Add the “check box” instructions to the DV-130 for consistency. The DV-110, pages 1, 2, and 3, contain the instructions “All checked boxes are court orders.” An alternative is to remove the “check box” instructions from the DV-110. Item 1 – In the Address field change the statement to: “If you want your address to be private, give another address where you can receive mail.” Mailing addresses and a person’s street	DV-130: Please see response to the same request for DV-110. <i>Item 1</i> Please see response to the same request for DV-110.

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					<p>address is often times the same. The address information could also be labeled as optional.</p> <p>Items 1 and 3 – We are requesting date of birth or age, sex, and race of all parties to be protected. This information could be labeled as optional on the form. These identifiers will assist law enforcement in identifying and protecting the parties listed in the order. Additionally, if we have the date of birth of the protected person, that information will allow the protected person’s identity to be sent to the FBI’s NCIC Protection Order file, if the order is served. Without a protected person DOB, protected person information cannot be sent to the national system. We recognize the Judicial Council is proposing the new DV-260 in an attempt to capture this information, but this form may not be completed by the petitioner and provided to the entering agency.</p> <p>Item 4 – Does this order modify (change) a prior restraining order (on form DV-130)? If “Yes,” date prior order was made:</p> <p>When “yes” is checked, a statement is needed that makes clear that this modified (changed) order replaces the previous order and that the</p>	<p><i>Items 1 and 3</i> Please see response to the same request for DV-110.</p> <p><i>Item 4</i> The committee will not propose adding the modification text until after final resolution of the entire issue of modifying or terminating the orders.</p>

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					<p>previous order has ended (terminated). All terms and conditions MUST be contained on the modified (changed) order, whether or not a particular term of the previous order was in fact changed, remains the same, or has ended (deleted).</p> <p>A modified (changed) order could also lengthen the expiration date without the judge (or the restrained and protected person) realizing it. Judges need to be aware that if they do not intend to increase the duration of the original order, they must indicate in item 4 when the order expires, otherwise it will be three years from the hearing date.</p> <p>Item 5 – The separate check boxes for harassment and no contact orders have created confusion when entering information into the statewide Domestic Violence Restraining Order System (DVROS). DVROS was programmed years ago when the harassment and no contact orders were together on the restraining order form. DVROS has a mandatory contact field. If an “N”, for no contact, is entered in the field, DVROS programmatically returns a “Do not contact, harass, attack, strike, etc.” statement to match the type of restraining order being entered. By separating the no</p>	<p><i>Item 5</i> Please see response to the same issue in the DV-110 response above.</p>

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					<p>contact and harassment orders on the restraining order form, it has become difficult for the agency entering the information into DVROS when only one of the two boxes is checked.</p> <p>DOJ's suggestion is to remove the check boxes after "a" and "b" and leave the check boxes before "Personal Conduct Orders" and "Except for brief and peaceful contact . . ." If this is not done, DOJ will have to do extensive re-programming of DVROS to remove the programmatic contact and harassment statement and add a separate data field code for harassment orders. Not only will this involve several months of programming effort, but it will be extremely costly.</p> <p>***PLEASE NOTE*** Since these forms must have the approval of DOJ, we will be more than happy to work with the Forms Committee to reach an agreement in this area.</p> <p>Items 10 and 11 – Remove the checked boxes. These are mandatory provisions of law and should be represented as such. We have seen orders where someone has used 'whiteout' to remove the automatic check boxes. Combine items</p>	<i>Items 10 and 11</i>

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					<p>numbered 10 and 11 and renumber the remaining items.</p> <p>Item 11 – After the second bullet, change the verbiage to “Must bring a receipt (DV 800/JV252) to the court . . .”</p> <p>Item 14 – Can any law enforcement agency serve this order for free, or just a sheriff or marshal?</p> <p>Should a reference to the proposed CH-101/DV290 – A Request and Order for Free Service of Restraining Order (CH-101/DV-290) also be made here since that order also needs a judge’s signature?</p> <p>Will the proposed CH-101/DV-290 be required to be given to the serving agency so that agency can affect service?</p> <p>Remove the checked box for consistency with the DV-110. There is no checked box on the DV-110, item number 15.</p> <p>Item 27 – A statement needs to be added about what happens when there are two conflicting civil orders.</p>	<p>Agree.</p> <p><i>Item 11</i> Please see response to the same suggestion for DV-110.</p> <p><i>Item 14</i> Agree to clarify that free service is by the sheriff or marshal.</p> <p>Please see response to same request for DV-110.</p> <p>Agree to remove checked box from item 14.</p>

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						<i>Item 27</i> Please see response to same comment for DV-110.
	Hon. Mary Ann Grilli Judge Superior Court of Santa Clara County	DV-130	AM		<p>DV 130- The form should not say that the court will fill in the information. This is usually done by the party, counsel, or court staff in some counties. Parties may, or may not, know the date of any prior order. Is this essential to the form?</p> <p>On page 2, section 6c, I suggest that we use vehicle rather than car. The move out order does not have the current language about taking clothing, etc. with them.</p> <p>Item 5 I suggest that after legal papers it say related to a court case. I am not sure what other legal papers might be needed.</p>	<p><i>DV-130:</i> When this form was developed and approved, the court information was included to help litigants proceed through the form. Generally, counsel will know that they can fill it in. If court staff is filling it in, then the advisement is correct. The date of the prior order was suggested by law enforcement to help them track which order is current.</p> <p>Agree to change “car” to “vehicle.” When the form was developed, some people informed staff of their objection to the clothing advisement because respondents were interpreting that to mean they could go back in the house to get things. The code does not state the conditions of the residence exclusion.</p> <p><i>Item 5</i> When this language was approved last year, the committee discussed this wording at length. Litigants may need to exchange</p>

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					<p>Item 18</p> <p>On page 3, section 18, it is somewhat confusing about the number of pages attached. Does this include the next 2 pages of the forms or only additional pages?</p>	<p>legal documents that are not so clearly “related to a court case.” When the form was developed, it was determined that anything more narrow could cause unnecessary confusion. Parties are allowed to have contact through an attorney and the current limitation is already narrowing that allowance.</p> <p><i>Item 18</i> Agree to add: “Number of pages attached to this five-page form:”</p>
	Stephen Love Court Executive Officer Superior Court of San Diego County	DV-130	AM	N	<p>DV-130, Item 22: Should be made consistent with other forms so that the caption reads, “If the Protected Person Contacts the Restraining Person...”</p> <p>DV-130, Item 26: Delete “under the Violence Against Women Act.” This would make it consistent with the wording on other forms and obviate the insult if the protected person is male.</p>	<p><i>Item 22</i> Agree.</p> <p><i>Item 26</i> Agree.</p>
	Molly Sugarman Paralegal, Facilitator Placer County Family Court	DV-130	AM	N	<p>Item 18</p> <p>Checklist of forms on DV-130 (item 18) should include MC-020. Sometimes the</p>	<p><i>Item 18</i> Litigants can use the “other” box to add unspecified forms.</p>

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					orders are many and do not conform to any particular form. Item 16 DV 520 states that if both parties are in court, the DV-130 can be served by mail. This contradicts Item 16 of DV-130 stating that no service is necessary if both parties are in court. The same question comes on DV 550. DV 130, item #15. Can the space be larger for “other Orders?” If the space were larger, would not need attachments and additional pages in many cases.	<i>Item 16</i> Item 16 is intended to guide law enforcement as to when they can arrest for a violation of a restraining order. If the restrained person was present at the hearing, he or she was “served.” However, the respondent should have the opportunity to review the finalized DV-130 to ensure that it matches the court orders. <i>Item 15</i> Agree to add another line. To do so, the Warnings and Notices to the restrained person must be moved to page 5 and the VAWA notice must be moved to page 3.
	Evy Leviege Braggs Domestic Violence Case Manager Superior Court of Alameda County	DV-170	AM	N	DV-170: Though not up for modification is it possible to put consolidation and transfer language on the DV-170.	DV-170: The committee will consider this suggestion when that form is next revised.
	Mia A. Baker Chair	DV-260		Y	DV-260: Most changes proposed to this form are acceptable. However, our reviewers were	Courts process many other types of confidential forms. They have instituted

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	State Bar Standing Committee on the Delivery of Legal Services				concerned that including the protected person's date of birth and other personal information could place the protected person in harm's way. Although this form is marked CONFIDENTIAL, we are aware that sometimes confidentiality is not maintained. We would recommend including these changes only if safeguards can be taken to ensure that the victim's personal information is not put into public record.	procedures to keep confidential forms and information out of court files. A prominent notice will be added to alert the court to the form's confidential nature.
	Hon. Ronald L. Bauer Judge Superior Court of Orange County	DV-260	AM	Y	DV-260, Item 1 and Item 3: Add "State" to driver's license and vehicle license information.	Agree.
18.	Cynthia A. Carbajal Central Files Supervisor Superior Court of Orange County	DV-260	A	N	DV-260: The DV-260 is a good form. The information asked on this form would be very helpful to Law Enforcement Agencies and others, if provided by the parties.	No response required.
	Valerie Fercho-Tillery, Manager Peggy Kelly, Field Representative California Department of Justice	DV-260	AM	N	DV-260 Confidential CLETS Information 1. The first line in the first paragraph states, "This form must not become part of the court file." The last line of the first paragraph states, "It can be retained only by a law enforcement agency or a court." If the court is retaining this form, how can it not become a part of the court file? We suggest removing	1. Agree to delete last line of first paragraph.

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					the last line of the first paragraph. 2. Second paragraph, last sentence. Change to: "That way, law enforcement officers can enforce your order." Not all restraining orders (that are entered into the California system) are forwarded to the national system.	2. Agree.
	Hon. Mary Ann Grilli Judge Superior Court of Santa Clara County	DV-260	AM		DV 260- I propose that this form be an optional form. Many counties, including ours, have developed their own forms. For example, our form combines this information with a request to have the sheriff serve the papers. It would be nice not to lose that option. We also include a section for special information for law enforcement.	Agree.
19.	Leslie Knight Supervising Attorney UCD Family Protection Clinic	DV-260	AM	N	Re: confid. CLETS info. form-where will it go? Are there specific security procedures to ensure victim's address won't fall into the batterer's hands? Maybe form shouldn't include victim's address.	Courts process many other types of confidential forms. They have instituted procedures to keep confidential forms and information out of court files. A prominent notice will be added to alert the court to the form's confidential nature.
20.	Sandra Mason Director of Civil Operations	DV-260	AM	N	DV-260: In the summary, this form is described as optional; however neither optional nor mandatory is on the form itself.	Agree to add "Optional Form" in the footer.
21.	Summer Peard Court Services Assistant/Clerk	DV-260	A	N	DV-260 would be filed with the court but not included in the litigant's file, where is it assumed to be kept?	Courts process many other types of confidential forms. They have instituted procedures to keep confidential forms and

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	Superior Court of Tehama County					information out of court files. A prominent notice will be added to alert the court to the form's confidential nature.
	Molly Sugarman Paralegal, Facilitator Placer County Family Court	DV-260	AM	N	DV 260 "Confidential" and "Do Not File" should be reversed out and made larger, in the same way the form number is.	Agree to highlight the concept that the form is confidential and should not be filed in the court file.
22.	Steve Allen Director of Legal Services Center for Community Solutions	DV-300 Series	AM	N	Do not require a hearing for protected party to dismiss restraining order.	In response to comments about this series of forms, the Committee will engage in further development efforts before making a recommendation.
	Mia A. Baker Chair State Bar Standing Committee on the Delivery of Legal Services	DV-300 Series	N	Y	DV-390: After review and discussion, our reviewers DO NOT recommend that this form be adopted by the Judicial Council. The reasons detailed below are many, but the primary concern is that this form would be used by batterers to continue their intimidation and harassment of the victim. Here the court is dealing with victims of violence who, although they may have a restraining order, often continue to suffer coercion and intimidation at the hands of their batterers. Our reviewers are concerned that if the victim uses these forms, s/he may lose credibility and incur too many negative effects that could impact any future litigation. If the victim has proven a case of domestic violence sufficient to cause a restraining order to be granted, our reviewers question what	In response to comments about this series of forms, the Committee will engage in further development efforts before making a recommendation.

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					<p>circumstances would exist for her/him to want to end it?</p> <p>In the worst case scenario, the introduction of these forms could permit batterers to use litigation to keep their victims engaged in legal matters so that they cannot effectively move on with their lives. With these forms, litigious persons could continue their abuse with the filing of these documents, involving the victims in needless hearings on an issue which has already been decided and ruled upon.</p> <p>Our reviewers felt that there is no guidance in the Family Code for this type of remedy. There is, further, no guidance as to the appropriate standard of review or how this action should be interpreted by the court. The lack of authority or guidance in the code leads these reviewers to believe that these proposed forms could, in effect, be creating new law through their existence and use, which is not the function of the forms.</p> <p>DV-300, 310, 370: After review and discussion, the Standing Committee DOES NOT recommend that these forms be adopted by the Judicial Council. The reasons are many, but our primary concern is that these</p>	

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					<p>forms would be used by batterers to continue their intimidation and harassment of the victim.</p> <p>Our reviewers find that the use of these forms would be arbitrary because there is no section in the Family Law Code which explains the use, the standard of review, or the burden of proof required for modification (ending) of the restraining order. What proof or new set of circumstances would be required to justify a change in the restraining order? These forms seem to give the parties a second bite at the apple when a hearing has already been held and orders already made. Further, these forms seem, in effect, to be creating new law, which is not the function of the forms.</p> <p>Also, both batterers and victims would use the same forms, which could cause confusion in the courts. These forms should only be used to EXTEND RESTRAINING ORDERS. Making changes to other parts of the restraining order is not consistent with the Domestic Violence Prevention Act, which was to be temporary remedy providing immediate short-term relief. The notation at DV-300, Item 15 renders the usefulness of this form questionable, since the only modifications needed would be in the 3 areas</p>	

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					<p>of custody, visitation or support, yet modifications to those issues would not be available through this form. All other issues (custody, visitation, property division) were intended to be dealt with in another family law case.</p> <p>Finally, the introduction of these forms could allow the batterer to keep the victim engaged in litigation and prevent them from moving on with their lives. These forms would open the door for litigious persons to continue their abuse with the filing of these documents, continuing to involve the victims in needless hearings on issues that have already been decided.</p> <p>One reviewer stated: “If a batterer didn’t like the restraining order he could easily file to have it relitigated and relitigated, to his heart’s content. Worse than that, the statute doesn’t provide for a standard for modification or dismissal, so the batterer wouldn’t even have to state a reason for the modification or dismissal would automatically get a hearing or if the judge could deny the paperwork without a hearing. In any case, it’s potentially bad news for a lot of victims who can have their case tied up in court repeatedly, even if the judge doesn’t</p>	

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					<p>actually modify or dismiss the order. A method for modifying or dismissing an order is already in place (an OSC for modification), but it is just that much harder to do.</p> <p>In summary, my concerns are that these new forms will cause the following:</p> <ul style="list-style-type: none"> • Excessive relitigation (lack of standard for dismissal means it's too easy for the batterer to get back into court; even if the judge is just going to turn him down, the victim still gets dragged in again) • Another method for the abuse to continue (through the judicial system) • Drain on resources • Even more crowded calendars in the already over packed courtrooms <p>For these reasons, we do not recommend adoption of DV-300 and 390.</p>	
	Hon. Ronald L. Bauer Judge Superior Court of Orange County	DV-300 Series	AM	Y	<p>SPR03-40 Summary:</p> <p>1. Page 2, paragraph 4: Compares "termination" of domestic violence orders with Dismissals pursuant to CCP 581, and CRC 383. Note that there is already a Judicial Council form for Dismissals pursuant to CCP 581 et seq. called "Request for Dismissal," Form 982(a)(5). Requests to dismiss from the moving party pursuant to</p>	In response to comments about this series of forms, the Committee will engage in further development efforts before making a recommendation.

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					<p>CCP 581(b)(1) cannot be made after a judgment. In domestic violence cases, the Restraining Order After Hearing, is in a sense a judgment in that it is the final order.</p> <p>2. The development of the DV-300, 310 series of forms to request and set hearings to modify or terminate domestic violence orders is a good idea. They should require a hearing. As far as personal service, our experience is that most of the modifications of a domestic violence order we see are to modify the custody/visitation portion of the order, as opposed to the injunctive orders. Will there be different service requirements depending on what is being modified? If so, the forms should reflect the difference.</p> <p>Page 3, third bullet: If either party requests modification of the custody/visitation portion of the order and the injunctive order, the party must then complete two different sets of forms, the DV-300 series of forms, and the regular, family law Order to Show Cause – Modification forms. If custody/visitation modification requests are fairly common, it would be much easier for the mostly self-represented litigants in domestic violence cases to complete just one set of forms. Can there be an OTHER: section added to the</p>	

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					<p>DV-300 series to allow for other modification requests? Further, would there have to be two separate Orders resulting from the same hearing, one called “Order to End Restraining Order”, DV-310, and the other a “Findings and Order After Hearing”? One Order After Hearing would be preferable.</p> <p>6. DV-300:</p> <ul style="list-style-type: none"> Reverse Item 2 and Item 3. The court will want to know if the person asking to change or end the order is the protected person or the restrained person. Putting this line directly after the moving party’s name makes it clear. Item 15: Remove 15 and allow requests to modify custody/visitation on this form. <p>DV-370, Item 5: The first bullet could be interpreted to apply to two orders, either the Restraining Order After Hearing being modified OR the DV-370 Order. To clarify which one, suggest putting the entire title of the Order: The “Restraining Order After Hearing” was issued on (date): _____ Also, modify Item 5 to read “The order is no longer in effect.”</p> <p>DV-390, Item 6 and 8: Could apply to either</p>	

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					the moving party in a domestic violence case or the responding party. The items require service on the “Restrained Person.” If the Restrained Person is the moving party on the modification/termination request, service should be on the other party. This should be clarified.	
23.	Saul Bercovitch Executive Committee of the Family Law Section State Bar of California	DV-300 Series	AM, N	Y	<p>DV-300: FlexCom does not agree with a policy of allowing a restrained person to modify or terminate a restraining order. This form allows the restrained person to file without any allegation or evidence of a change of circumstances sufficient to warrant modification or termination prior to the previously determined period of restraint. This is, or certainly could be perceived as, yet another tool to use to harass the protected person (e.g., no limits on the number of times restrained person can file/request.) If such a procedure is developed then the form should require some showing of a change in circumstances, should set limits on its use by the restrained person, etc.</p> <p>DV-310: Order to Show Cause is a better procedural process than a Notice of Hearing.</p>	In response to comments about this series of forms, the Committee will engage in further development efforts before making a recommendation.
	Evy Leviege Braggs Domestic Violence Case	DV-300 Series	AM	N	DV-310: Concern about the standards necessary for this form to be filed, especially	In response to comments about this series of forms, the Committee will engage in

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	Manager Superior Court of Alameda County				<p>by a restrained person. It would be my suggestion that this form be entitled Order to Show Cause. Since a Respondent's ability to file motions can be used as a type of harassment, I feel that there should be some limitations, requirements, or a standard of change in circumstances in order for the request for modification to be granted.</p> <p>DV-300 and DV-310: Probably makes no difference, but since judges usually use the wording modify or terminate, I would prefer that the title of the form be the same.</p> <p>DV-310: Though the court issues ex parte TRO's, would there ever be an occasion where a court on an ex parte basis would terminate a standing Restraining Order without a hearing? Concern for welfare of protected persons and ability for fraudulent filings or orders.</p> <p>DV-370: Court's orders usually are reflected as terminated or vacated. Should this form reflect what courts customarily order since court orders are not usually made in a fashion that would be at the 6th grade level? Should there be a box selection that would clarify and/or order that all orders including or not including custody, visitation, and/or</p>	further development efforts before making a recommendation.

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					<p>child support orders are terminated along with the restraining orders? I know that this causes confusion with police officers.</p> <p>Will there be or should there be REISSUANCE for regarding the “Notice of Change or End Motion”?</p>	
24.	Hon. Thomas Cahraman Judge Superior Court of Riverside County	DV-300 Series	N	N	I fear that some victims will be coerced into terminating their restraining orders early.	In response to comments about this series of forms, the Committee will engage in further development efforts before making a recommendation.
	Ms. Cynthia A. Carbajal Central Files Supervisor Superior Court of Orange County	DV-300 Series	N	A	DV-370: This is an excellent form.	In response to comments about this series of forms, the Committee will engage in further development efforts before making a recommendation.
25.	Ms. Christine Copeland Attorney Superior Court of Santa Clara County	DV-300 Series	AM	N	<p>1. A big concern is the service mail requirement – what if restraining party gets a fraudulent proof of service saying someone mailed to protected party the notice to drop DVRO, she never gets it so is a no-show at the hearing and at hearing, DVRO is dropped? Even with personal service, how do we ensure protected party gets actual notice of hearing?</p> <p>2. What about forms to modify support</p>	In response to comments about this series of forms, the Committee will engage in further development efforts before making a recommendation.

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					<p>and/or custody/visitation orders made in a DVRO case? I think we really need these. As things are right now, if dad/restrained party wants to seek to modify a support order made in a DV case, he has to start a brand new case (a disso/sep or parentage) and then seek to consolidate cases so he can get order modified. This is very frustrating for the litigants and those of us who help them with forms.</p> <p>Item 5 on DV-370 – should mention that this order does not change any support or custody/visitation orders unless specifically stated.</p> <p>3. Item 4a on DV-310 – how many days? Unless there is a rule (CRC?) litigants/clerks/DV agencies won't know what to put.</p> <p>4. Item 17 DV-130; add a line to write in the Dept. number here – it is missing (there is a line for the return date, but not dept.)</p> <p>5. Item 18 A and B DV-110 – see comment 3, directly above.</p>	
	Emberly C. Cross Coordinating Attorney	DV-300 Series	AM	N	DV-300, Item 1: This section is missing a line for the person's address.	In response to comments about this series of forms, the Committee will engage in

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	Cooperative Restraining Order Clinic				<p>DV-300, Item 2: This item has an extra line for the other person's name.</p> <p>DV-300, Item 6: This section should include some language limiting the people who can be included in the order to family or household members, as well as space to explain why they should be included in the order, to reflect Family Code § 6320's language that the restraining order may include, "in the discretion of the court, on a showing of good cause, ...other named family or household members."</p> <p>DV-300, Item 11: If this is intended to apply only to fees and costs incurred regarding this request, that limiting language should be added: "I ask that the person in Item 2 pay some of all of my attorney fees and costs <i>for this request to change or end the restraining order.</i>" This should then be mirrored in the Answer (DV-380, Item 11).</p> <p>DV-300, Item 14: The checkbox for an attachment should mirror the new language in DV-100 specifying what type of paper or form may be attached.</p> <p>DV-310, Item 4B: The person served with the</p>	further development efforts before making a recommendation.

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					<p>Notice is not required to file an answer. The language should mirror that in the TRO: “If you want to respond in writing, someone 18 or over – not you – must “serve” Form DV-380 on the person in Item 1, then file it with the court at least ____ days before the hearing.” Also, the person is not served with an “Order,” but with a “Notice.”</p> <p>DV-320, Item 4: The applicant should attach a copy of the current Restraining Order After Hearing to all copies of the Notice, since the Court needs a copy attached to the original and the applicant is told in Item 8 to personally serve the other person with a copy of it.</p> <p>DV-380, Item 12: The checkbox for an attachment should mirror the new language in DV-100 specifying what type of paper or form may be attached.</p> <p>DV-390, Item 2: The applicant should attach a copy of the current Restraining Order After Hearing to all copies of the Notice, since the court needs a copy attached to the original and the applicant is told in Item 6 to personally serve the other person with a copy of it.</p>	

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	Valerie Fercho-Tillery, Manager Peggy Kelly, Field Representative California Department of Justice	DV-300 Series	AM	N	<p>DV-300, <u>Request to Change or End Restraining Order</u></p> <p>Item 6 – Need to make clear if the person(s) are to be added or removed. For example have check boxes dedicated to “add” and check boxes dedicated to “remove”. Also request dates of birth or age, sex, and race as optional.</p> <p>..... DV-310, <u>Notice of Hearing to Change or End Restraining Order</u></p> <p>Item 1 – In the Address field change the statement to: “If you want your address to be private, give another address where you can receive mail.” Mailing addresses and a person’s street address are oftentimes the same. The address information could also be labeled as optional.</p> <p>Items 1 & 2 – Law enforcement may need more information to identify the parties involved. There are a lot of common names used. These items should ask for identifiers such as date of birth or age, sex, and race. This information could also be labeled as optional.</p>	In response to comments about this series of forms, the Committee will engage in further development efforts before making a recommendation.

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	Commentator	Form	Position	Comment on behalf of group?	Comment	Committee Response
					<p>Item 3 – “Unless changed by the court, the current restraining orders stay in effect until the hearing date.” What happens if the court does not change anything OR if neither party shows up at the hearing? (And the original order doesn’t expire for another 18 months?) You need to make it clear that the order is good until it is changed by the court OR it expires. Having the order stay in effect just until the hearing date will cause confusion for the parties involved and law enforcement.</p> <p>Should the DV-210 be revised to include information pertaining to the DV-310?</p> <p>Should the DV-200 be revised to include a check box for the DV-310?</p> <p>.....</p> <p>DV-320, <u>How Do I Change A Restraining Order?</u></p> <p>The language on the “How Do I” forms (DV-320, 390 and 720) should be the same or similar for consistency. For example, DV-320 Items 4 and 5, DV-720 Items 2, 3 and 4, and DV-390 Items 2 and 3 all cover the same information. The instructions on the service</p>	

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					<p>of forms and the filing of the POS should also be made as consistent as possible among these three forms. This would make the “How Do I” forms easier to understand and follow. Any future updates to the forms would also be simplified by making the forms consistent.</p> <p>Item 7 – Change to “At the hearing, the judge will decide whether or not to change the orders.” Add Item 7 as a bullet to either Item 6 or Item 9 and renumber the remaining items.</p> <p>Item 12 – Change to “Get the changed (modified) order into California’s statewide Registry of Restraining Orders.” This is not a ‘new’ order.</p> <p>.....</p> <p>DV-380, <u>Answer to Restraining Order Change</u></p> <p>Item 4 – Change to: Did the other person ask “you” to end the restraining orders? Change to: If “no,” skip to number 5 and</p>	

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					<p>finish the form.</p> <p>Change to: (If you agree to end some of the orders, but not all, check “no.” Then, skip to number 5 and finish the form.)</p> <p>.....</p> <p>DV-390, <u>How Do I End My Restraining Order?</u></p> <p>The language on the “How Do I” forms (DV-390, 320 and 720) should be the same or similar for consistency. For example, DV-320 Items 4 and 5, DV-720 Items 2, 3 and 4, and DV-390 Items 2 and 3 all cover the same information. The instructions on the service of forms and the filing of the POS should also be made as consistent as possible among these three forms. This would make the “How Do I” forms easier to understand and follow. Any future updates to the forms would also be simplified by making the forms consistent.</p> <p>Item 5 – Add this item as a bullet to either item 4 or 7 and renumber remaining items.</p> <p>Item 9 – If a proof of service is filed by the petitioner</p>	

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					<p>with the court, the court is required to provide law enforcement with a copy. (FC6380(d)(2))</p> <p>Change the third bullet to read: “The court will send the proof of service to law enforcement for you. That way police across the state and the nation will know that the order has ended.”</p> <p>Item 10 – This is already covered in item 1, the third bullet. Remove item 10.</p> <p>DV-370, <u>Order to End Restraining Order</u></p> <p>Item 5 – The second bullet should state, “The order is no longer in effect.” The third bullet should state, “This order does not change or end any other court orders.” By specifying that other restraining orders do not change, someone may misunderstand and think custody or other court orders do change or end.</p> <p>Should there be instructions on who receives copies and how? (For example, all parties involved, law enforcement, places where the protected party dropped off copies of the restraining order – daycare, school,</p>	

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					workplace, etc. Can this be done by mail or by personal service?) There must be a mechanism in place to advise the law enforcement agency that entered the order into the DVROS of the termination of the order. A POS should be required. If a proof of service is filed by the petitioner with the court, the court is required to provide law enforcement with a copy. (FC6380(d)(2))	
	Hon. Mary Ann Grilli Judge Superior Court of Santa Clara County	DV-300 Series	AM		DV 390, section 1- we need to explain what happens to the other orders as well. This is a controversial issue and we should be clear about whether the elimination of the restraining orders in a straight DVPA case causes the other order to go away or not. The form needs to reflect that the other party needs to be served with the request to end the orders. Section 8, third bullet is unclear, since it mixes personal service with service by mail. Section 9 should be moved so that it is before the part about going to the hearing. It should also clearly state that the person should bring a copy of the proof of service to the hearing with them, whether it was filed or not. DV 380- the title should state that it is a request. In 4, it should not say skip to 6, since 5 is also needed. Here again, we need to confront the issue of what happens to other	In response to comments about this series of forms, the Committee will engage in further development efforts before making a recommendation.

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					<p>orders such as child support, custody, and visitation.</p> <p>On page 2, number 12, I think that the reference to an attached declaration needs to be bold. It is left off most of the time. Also, is there no thought given to letting them use the white space on the form as it lays out now?</p> <p>DV310- in 5, please consider adding a box for see attached additional orders. It is not uncommon that they do not fit on this type of blank.</p> <p>DV 300- In 3, does this mean that any protected party can ask or only the initial petitioner or respondent? It is not clear. I also think that sections 4 and 5 should have some titles on them for ease of use. Here again, we need to confront the issue of what happens to other orders. On page 2, section 12- we need to be very careful here. I do not think that the DVPA can be used to modify custody, visitation, or child support orders. It was never intended to be a permanent type of proceeding. 12 should perhaps be limited in some way to explain the issue. I know that we say this at the end, but it needs to be said here as well. Perhaps 15 could be put in both</p>	

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					<p>places or at the top of the whole thing.</p> <p>DV370- Section 4 refers only to DV-130. This is a relatively recent form number. There are older orders on other form numbers. We need to be sure that this refers somehow to them as well. Also, I suggest that we add at the end of the first sentence of 5 effective and add a blank on it. That way, law enforcement is made aware of on what date the orders were ended. The second bullet of 5 should say no instead of not. The line about not changing any other restraining orders is confusing and should be clarified. Also, 4 should not say that the court will fill in the information in the box. This is usually done by the person creating the orders, which may or may not be a court person. In any event, they cannot just take it to the clerk's office with that blank and expect that staff would fill it out for them.</p> <p>DV 320- In 1, I propose that it read: What orders can I ask to change? The first bullet should read: Personal conduct, no contact, stay away, move out, recording of unlawful communications, and the end date of the restraining orders. Number 2 needs to be clear that it is the original petitioner, not any other protected person. Number 4 should</p>	

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					require that the copy of the old orders be attached to all copies, not just the original. Filed endorsed copies need to be duplicates of the original ones or the clerks will not stamp them. They really need to make more than 2 copies, because one is to be served, one is for them, and they need to bring an extra one or two to the court in case it did not make it to the court file or the other person was not served and shows up. I also suggest that 6 in the bullet be bold. 7 needs to be after 11, which needs to be moved up after 8. There should also be a reference to tell the person to be sure to pick up his or her copies from the court or give the court stamped envelopes to mail them to them. 9 should be expanded to describe the hearing. In 10, I would substitute filed for stamped copies and it is up to 5. Item 12 needs to be moved right after 10.	
	Karen Houle Supervising Superior Court Clerk Superior Court of Kern County	DV-300 Series	AM	N	DV-320: A bold note that they cannot use this form to change child custody, visitation or support. DV-370, Item 5: A bullet that this order does not change child custody, visitation, and support. I think this would help in clarification for law enforcement.	In response to comments about this series of forms, the Committee will engage in further development efforts before making a recommendation.

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26.	Carla Khal Facilitator Superior Court of Tulare County	DV-300 Series	AM	N	<p>1. The Notice of Hearing to change RO – DV 310 should be an order to show cause to prevent confusion on the personal service issue.</p> <p>2. I think custody and visitation orders should be allowed to be changed by this form (DV 300).</p> <p>The Discussion section indicates that custody and visitation orders can be modified by use of the existing family law forms. In our county – Tulare – that is not true. The court does not allow the filing of any family law forms in a DV action. Therefore, if a person wants to modify the custody and visitation orders which were issued as part of a DVRO, he/she must file a new custody and visitation orders which were issued as part of a DVRO; he/she must file a new DV100 striking out sections to make it clear that the only issue is a c/v mod. It is a burdensome, confusing task, but the court has always insisted that it is not “permissible” to file family law forms in a DV action. So, the discussion section indicating that existing family law forms could be used was “news” to me. (I’m curious as to how many other counties have such restrictions.) Practically speaking, what our court really wants is for people to handle</p>	In response to comments about this series of forms, the Committee will engage in further development efforts before making a recommendation.

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					ongoing custody and visitation in some other type of case – disso, UPA, etc. So, usually when a party wants to go back to court to change the custody and visitation orders, they are told it would be best to file some other type of case and ask for consolidation of the DV action into the new case. So, either modification of c/v orders should be allowed on the new DV300 OR a court rule needs to be issued telling courts that FL forms can be filed in DV actions.	
	Leslie Knight Supervising Attorney UCD Family Protection Clinic	DV-300 Series	AM	N	I'm concerned that the procedure to end/modify ROS will be used by the abuser to further harass the victim. Only the victim should be able to request and end/change. Item 15 should list forms that should be used to modify child custody, visit or support. On the answer to RO change –Item 4—I'm not sure why we're skipping to Item 6? Doesn't form 370 need to get put into the CLETS system?	In response to comments about this series of forms, the Committee will engage in further development efforts before making a recommendation.
27.	J. Louis #110 Detective, Domestic Violence Prevention Unit Berkeley Police Department	DV-300 Series	A	N	I agree with the proposal to require a hearing to modify or vacate a restraining order. Also, a showing of cause should be required because many domestic violence victims are "forced" to request a modification by pressure from the batterer. A requirement that the victim state reasons for the change	In response to comments about this series of forms, the Committee will engage in further development efforts before making a recommendation.

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					might reveal these motives.	
	Stephen Love Court Executive Officer Superior Court of San Diego County	DV-300 Series	AM	N	<p>DV-300: Item 4 and Item 5: Add “OR” in between Item 4 and Item 5.</p> <p>Item 6: Indent and make it a subsection “(a)”; Item 7, subsection “(b)”; Item 8, subsection “(c)”; Item 9, subsection “(d)”;...; and Item 12, subsection “(g)”, since they are all things that the moving party may want to change. Item 13, would become Item 6; Item 14 becomes Item 7; Item 15 becomes Item 8; and Item 16 becomes Item 9.</p> <p>Item 15: Why not allow them to use this process to change custody and visitation instead of requiring a separate OSC? Any changes in the visitation or custody order will affect what is a violation of a restraining order. Parties would still have the OSC to change custody, visitation and support if they did not want to change any other portion of the restraining order.</p> <p>DV-310: Agree with the committee that a hearing should be required before dismissal so that the protected party has as much protection as the law and the court can provide while still allowing them to be in</p>	In response to comments about this series of forms, the Committee will engage in further development efforts before making a recommendation.

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					<p>charge of their own life – asking for termination or changing of the order if that is what they want. It often happens that between the request for the hearing and the time of the hearing, a new incident occurs which shows that dropping the order may be too risky. Modifying the order to allow for joint counseling, especially in a domestic aware setting, might be beneficial.</p> <p>DV-320 Item 6: Should read “The clerk or the Judge...”</p> <p>Item 7: For sequential purposes, follow the information in Item 8. Also, it should read “...whether or not to change...”</p> <p>DV-370, Item 5: Last sentence should add, “orders, especially criminal cases.”</p> <p>DV-380: Item 2: Should read, “Restraining Person’s Name” since this form may be used by either party. Label address line as Item 3 because it may not be that of the restrained person.</p> <p>Item 3: Change to “Item 4.” Second line of this item should be under Item 13.</p>	

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					<p>Change Item 4 to Item 5, Item 5 to Item 6...and Item 13 to Item 14.</p> <p>Item 4: Is not written in italics and referencing Item 6 but should be Item 5 unless making the renumbering changes noted; the 6s in italics are okay.</p> <p>DV-390: If this process is open to both parties, which the other forms imply they do, then the caption needs to change to: HOW DO I END A RESTRAINING ORDER, or have a completely different instruction sheet for the restrained person.</p> <p>Item 4: Should say “The clerk or the judge...”</p> <p>Item 8: should note to “Give one copy to the peace officer you gave the restraining order to. Change “2 copies” to “5 copies” so that they have enough to hand out as required/suggested.</p> <p>Item 9: The second and third bullet items should be under Item 8.</p> <p>Item 10: Should add that if this order is not extended, they may seek another restraining order but only if there are new acts of</p>	

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					violence or threats of violence.	
	Sandra Mason Director of Civil Operations	DV-300 Series	AM	N	There is a concern that the protected person could complete this form or agree to the restrained person's request under duress; however the requirements of personal service and of a court hearing should expose such situations. Retain "other" section.	In response to comments about this series of forms, the Committee will engage in further development efforts before making a recommendation.
28.	Laraine Noel Court Services Supervisor Superior Court of Trinity County	DV-300 Series	AM	Y	<p>Having an Order to Show Cause is preferred over a Notice to Change or End a Restraining Order. Keeping forms consistent assists new court personnel in understanding the functions of documents.</p> <p>Showing a "change in circumstances" or some other standard for modifying the orders would benefit our court as the question is often asked by the judge and law enforcement.</p> <p>Please use "bold" type one Item 15, page 3 on the Request to Change or End Restraining Orders.</p>	In response to comments about this series of forms, the Committee will engage in further development efforts before making a recommendation.
	Catherine Portillo Volunteer Attorney Harriett Buhai Center for Family Law	DV-300 Series	AM	N	<p>We favor the adoption by the Judicial Council of consistent forms valid for entry into CLETS. However, some of the procedures proposed by the committee are problematic.</p> <p>1. The committee proposes to allow</p>	In response to comments about this series of forms, the Committee will engage in further development efforts before making a recommendation.

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					<p>restrained persons to request a termination of a DVPA restraining order, thereby conferring a right that does not now exist under California law. It is clear that under Code of Civil Procedure section 581 only a plaintiff or the court may dismiss a proceeding, not a defendant. If this proposal is adopted, restrained persons will acquire rights accorded no other litigant. It cannot be that a restrained person, a batterer, will be given the power to terminate a restraining order issued to protect another from the batterer himself. Surely such a perverse result will not be permitted. According to the committee's discussion, this proposal is made "[b]ecause the same form is used to request either a modification or a termination." Such a proposal, made ostensibly for the sake of convenience, lacks credibility and poses the threat of real harm to the victim if defendants are permitted to move to terminate restraining orders.</p> <p>We do not agree with this proposal and assert that CCP Section 581 does not allow it. Instead, we urge the committee and the Council to create separate and distinct forms for modification and</p>	

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					<p>termination, wherein either party could request a modification, and only the protected person could request a termination. This alternative is consistent with current law.</p> <p>2. DV-300 would allow for temporary orders pending a hearing. Under the committee's proposed procedures, however, only personal conduct, stay-away, residence exclusion, and recordation-of-prohibited-communications orders would be modifiable, and only after a court hearing. Obviously, these are the particular orders intended to protect the safety of the "protected person," who has already established to a court the need for protection from the restrained person. Thus, we do not understand how there could be temporary orders pending a hearing to modify or terminate a restraining order. We cannot conceive of a situation where temporary orders would be appropriate. We believe that having the proposed "Other" section on the form is confusing and will open the door to parties attempting to modify an entire DVPA order. This proposal should be rejected.</p>	

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					<p>3. We disagree with the committee's decision not to propose specific standards to modify or vacate a restraining order. We assert that the form should contain a requirement for a showing of "change of circumstances."</p> <p>An action under the DVPA is not a typical civil matter. The DVPA is about the protection and safety of human life. Its purpose is to "prevent the recurrence of acts of violence for a period sufficient to enable these persons to seek a resolution of the causes of the violence." Family Code § 6220. We assert, therefore, that a court cannot modify or terminate a restraining order absent a showing that violence and abuse have ceased, i.e., that the restraining order is not longer warranted. Such a showing necessarily requires a change from the circumstances under which the court issued the order in the first place.</p> <p>In addition, we have serious concerns about the potential for abuse by restrain[ed] persons. We believe that without specific standards, the procedure will be manipulated by batterers into a</p>	

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					tool of abuse. We foresee women being compelled to go back to court by their batterers and essentially forced to relitigate their restraining orders. This should not be allowed to happen.	
29.	Liza Siebel Staff Attorney Break the Cycle	DV-300 Series	AM	N	<p><u>Either party would be entitled to request a modification or termination.</u></p> <p>I disagree with this proposal. The Respondent should not be allowed to request modification or termination of the order without the Petitioner's permission. When a restraining order is granted against a Respondent, it is virtually always unwanted. Abusers often use the courts, in various ways, as a tool to harass, control and abuse a victim. Allowing the Respondent to initiate proceedings to modify or vacate an unwanted order would only make it easier for abusers to use the courts in such a manner.</p> <p>Even if the Judicial Council decides to allow Respondents to request a modification of the order, Respondents should not be allowed to initiate proceedings to vacate DVPA orders without the Petitioner's consent.</p> <p><u>A court hearing would be required to modify or vacate an order.</u></p> <p>I agree with this proposal. I agree that given</p>	In response to comments about this series of forms, the Committee will engage in further development efforts before making a recommendation.

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					<p>the nature of the DVPA proceedings, it is essential that there be a court hearing before modification or dismissal of any DVPA orders.</p> <p><u>Personal service of the notice of hearing would be required.</u></p> <p>I agree with this proposal. I agree that personal service should be required to notify the other party of the request to modify or vacate the order.</p> <p><u>Temporary orders pending a hearing would be allowed.</u></p> <p>I agree with this proposal only if modified. I have two main concerns that surround the granting of temporary orders pending hearing.</p> <p><u>Temporary orders pending hearing should not be granted without notice to the other party.</u></p> <p>While it is essential that a Petitioner be allowed to seek a DVPA restraining order initially without notice to the Respondent, the situation is very different after the order has been granted. When a Petitioner first applies for a restraining order, she often has surprise on her side. She is safer because she can obtain the restraining order without the Respondent knowing she is going to court to do so. Once the restraining order has been</p>	

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					<p>granted, and the Respondent has been served, the element of surprise is no longer relevant. The Petitioner is protected and the Respondent knows of the restraining order. Requiring notice to the other order will not endanger or disadvantage either party. In addition, if the Respondent is allowed to initiate an action to modify or vacate a restraining order, as is currently proposed, notice to the other party would only serve to protect the Petitioner.</p> <p><u>No temporary orders for dismissal should be allowed.</u></p> <p>Allowing for temporary dismissal of the restraining order pending hearing would create more danger and confusion than it would be worth. I cannot think of a situation where a Petitioner who seeks a dismissal of a restraining order could not wait the few weeks it takes to get a hearing date to have the order vacated. And, more importantly, if Respondents are allowed to make a motion to have the order dismissed – especially if the temporary dismissal would place Petitioners in grave danger. In this situation, the restraining orders Petitioners rely on to protect themselves could be dissolved without their knowledge, leaving them unprotected and unaware.</p>	

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					<p>In general, making temporary orders pending hearing makes sense in DVPA restraining order cases. However, when these orders are requested by the Respondent, without notice, or for dismissal, they do not make sense, and have the potential to place victims in more danger.</p> <p><u>Only certain DVPA orders could be modified.</u> I agree with this proposal if clarified. I am unclear what would happen if a DVPA restraining order that included custody and visitation orders were canceled. Would the child custody and visitation orders still stand even though the restraining order is no longer in effect? Or would the custody and visitation orders be vacated along with the restraining order?</p> <p><u>No specific standards to modify or vacate would be proposed.</u> I agree with this proposal. The “change of circumstances” standard does not work in the DVPA restraining order context. Again, if Respondents are allowed to petition for a modification or dismissal of an order, the “change of circumstances” standard gives too much of a tool to abusers. To an abuser, a change of circumstances could mean, “I have</p>	

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					<p>not called her in six months, so I don't need the restraining order any more," or "I moved into her building, so the restraining order is no longer relevant."</p> <p>I agree with and do not have comments on the rest of the proposals in SPR03-40.</p>	
	Ms. Molly Sugarman Paralegal Placer County Family Court Facilitator	DV-300 Series	AM	N	<ol style="list-style-type: none"> 1. Instructions should include service of blank response on form DV 320. 2. How can personal service be affected on a person enrolled in safe-at-home program. Security issue. 3. "Yes" to standard for change in RO. "good cause" or change of circumstances. 4. The DV 320 and DV 390 instructions should require that a <i>blank Answer</i> be served with the Request for Change. A new form is being created for response and should be served. 5. The form for changes to the restraining order is good but should include standards, as suggested. Also the information sheet DV 320 might address some of misconceptions about restraining orders, such as that the order does not "take the children" away from the restrained party. Visitation can take place within the confines of the order, even if the children are on the order. 	In response to comments about this series of forms, the Committee will engage in further development efforts before making a recommendation.

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					Also, that the order can be modified in stages, such as to allow the couple to go to counseling, while keeping all the other restrictions in effect. A “promise to be good/change” does not constitute a change of circumstance. Attendance at batterer’s treatment, AA, counseling, etc. may constitute sufficient change to modify the order and the modification can be done in stages. Another form may be required to give this information.	
	Mia A. Baker Chair State Bar Standing Committee on the Delivery of Legal Services	DV-520 and DV-550			DV-520 and DV-550: Although these forms impart good information to both the Restrained Person and the Protected Person, our reviewers suggest that bullet Item 2 under the section BE PREPARED could be misleading. Putting on witnesses may only be possible if the party is represented by an attorney. Parties who are in <i>pro per</i> may not even get to speak themselves, much less put on witnesses. These courtrooms are often small; if the parties are encouraged to bring witnesses to support their position, this could cause overcrowding and delays for the Court and staff. Putting this direction into the information sheet could encourage parties to bring in witnesses who, in reality, will not likely be able to be heard.	Since the forms and instruction sheets are developed for statewide use, they must be drafted to account for wide variations in court practice, while at the same time imparting useful information. Some courts allow for witnesses, other courts do not. These forms have been in use since January 1, 2003. The Council will continue to monitor their use to determine whether revisions are necessary. Agree to add “Witnesses may or may not be permitted to testify” in the third bullet item under “Be prepared” in form DV-520 and DV-550. Page two of the form directs litigants to

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					Instead of referring to the bringing of witnesses, our reviewers felt there should be more direction about the DV-130 (Restraining Order After Hearing – CLETS). The parties should be instructed to bring that form partially filled out so the judge or his staff could fill out the balance of the form once the judge has made his ruling.	find out the local procedure regarding whether he or she needs to complete DV-130 for the judge's signature. Some courts require litigants to complete DV-130; other courts have staff to complete it for the litigant. This information sheet is intended for use prior to the hearing, so litigants will know the procedure before the hearing.
	Hon. Ronald L. Bauer Judge Superior Court of Orange County	DV-520 and DV-550	AM	Y	<p>DV-520: First bullet: Add "Proof of Service" to the documents listed to bring to court. This is one of the most critical documents for the court, especially when the respondent does not appear. If this could be mentioned specifically, it would help the court.</p> <p>Sixth bullet: Oftentimes, the respondent does not check in or remains outside of the courtroom. Add to the sixth bullet, that after letting the clerk know you are present, to "let the clerk know if you have seen the restrained person in the court."</p> <p>DV-550, page 2, last bulleted items: Add a third bullet to the last item on this: "Wait in the courtroom for a copy of the order." Domestic Violence Restraining Order After Hearing (DV-130) has a place to indicate the respondent was in the courtroom and no other</p>	<p>DV-520 Agree to add, "...including the proof of service."</p> <p>The committee will consider this suggestion in future development of the form.</p> <p>DV-550: This is a matter of procedural variation among courts throughout the state. A copy of the order may not be available right after the hearing. Therefore, an instruction to wait could cause frustration.</p>

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					proof of service is necessary. The court asks the respondent to remain until served with a copy of the order.	
	Valerie Fercho-Tillery, Manager Peggy Kelly, Field Representative California Department of Justice	DV-520 and DV-550	AM	N	<p>DV-520, <u>Get Ready for Your Hearing (Protected Person)</u></p> <p>1. “What if I am deaf?” Can they bring someone with them to interpret? Would there be a fee if the court provided an interpreter? The language should be the same or similar as it is for “What if I don’t speak English?”</p> <p>2. “Practice saying what you disagree with.” Why can’t they have more than 3 minutes? That seems such a small amount of time and that fact may frighten the petitioner and cause him/her to not say anything at all and to be afraid of the judge. Can the time frame be removed?</p> <p>3. “The judge will decide.” Add a bullet that says, “The judge may decide no orders should be issued at this time. The judge may set this matter for a hearing with no restraining orders in place.” Sometimes when a judge denies the orders, a ‘denial’ stamp is placed on</p>	<p>1. Deaf litigants are provided with an interpreter without charge. There are a variety of accommodations for deaf persons; an interpreter is just one of those.</p> <p>2. The committee will consider this suggestion in future development of the form.</p> <p>3. The requested text would be more appropriate on DV-510 (<i>I Filled Out the Forms—What Now?</i>) just after item 2. The committee will consider this suggestion in future development of form DV-510.</p>

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					<p>the DV-110 or DV-130 and the court uses page 1 to set the matter for hearing. Using these forms to set a hearing is problematic for the petitioner, respondent and law enforcement. The petitioner will show up at the law enforcement agency with the ‘denial’ but a hearing date has been set and they ‘think’ they have a restraining order. By clearly stating the judge may decide not to grant the orders, it may clear up some confusion for the petitioner. The courts should not be using the first page on these orders to set a matter for hearing.</p> <p>4. “The judge may “continue” your case.” If no restraining orders are going to be granted, this needs to be clarified with a bullet that states, “The judge is continuing this case to another day. The judge may not (or will not) issue restraining orders at this time.” (Same reasons apply here as above, “The judge will decide.”)</p> <p>5. “What happens at the hearing?” The 4th bullet: If the restrained party was present in court, isn’t that order considered served? Why is a DV-250 necessary? Why is this the petitioner’s responsibility?</p>	<p>4. There are a variety of reasons the judge may continue the case. If the judge issued temporary orders, he or she will usually continue the orders until the next hearing date. Courts use a variety of procedures to continue the orders. Some use DV-130, others use the Reissuance form. Due to the variety of procedures, it is impossible to provide a single appropriate instruction that would be applicable in all cases.</p> <p>5. For purposes of law enforcement’s ability to arrest on a violation of a restraining order, the fact that the restrained person was present at the hearing is</p>

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					<p>6. Add bullets that advise the petitioner to read the DV-210, inform them of ‘free’ service, and to obtain a signed (by the judge) CH-101/DV-290 (proposed) for service of the order.</p> <p>DV-550, <u>Get Ready for Your Hearing (For Restrained Person)</u></p> <p>1. “What if I am deaf?” Can they bring someone with them to interpret? Would there be a fee if the court provided an interpreter? The language should be the same or similar as it is for</p>	<p>sufficient. However, the restrained person should receive a written copy of the order to (1) ensure that the written orders match the orders issued in court, and (2) ensure that he or she knows the details of the orders and can reference them when needed. The respondent needs to have a paper copy of whatever is filed with the court.</p> <p>6. Agree to add text to last paragraph on DV-520 (page 2): “The sheriff or marshal can serve the order for free. Ask the court clerk if you need to file more forms. You may need forms CH-101/DV-290 and form 982(a)(17). If someone other than the sheriff or marshal serves the order, take the completed Proof of Service (DV-200 or DV-250) to the clerk and file it. Keep a copy. Read DV-210 for help.”</p> <p>DV-550:</p> <p>1. Deaf litigants are provided with an interpreter without charge. There are a variety of accommodations for deaf persons; an interpreter is just one of those.</p>

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					<p>“What if I don’t speak English?”</p> <p>2. “Practice saying what you disagree with.” Why can’t they have more than 3 minutes? That seems such a small amount of time and that fact may frighten the respondent and cause him/her to not say anything at all and to be afraid of the judge. Can the time frame be removed?</p> <p>3. “The judge will decide.” Add a bullet that says, “The judge may decide no orders should be issued at this time. The judge may set this matter for a hearing with no restraining orders in place.” Sometimes when a judge denies the orders, a ‘denial’ stamp is placed on the DV-110 or DV-130 and the court uses page 1 to set the matter for hearing. Using these forms to set a hearing is problematic for the petitioner, respondent and law enforcement. The petitioner will show up at law enforcement agency with the ‘denial’ but a hearing date has been set and they ‘think’ they have a restraining order. By clearly stating the judge may decide not to grant the orders, it may clear up some confusion for the petitioner. The courts should not be using the first page on these orders to set a matter for hearing.</p>	<p>2. The committee will consider this suggestion in future development of the form.</p> <p>3. This comment would be more appropriate for the information sheet entitled “I Filled Out the Forms – What Now?” The comment is appropriate before the Temporary Restraining Order is signed, not at the hearing. The committee will consider the suggestion when that form is next revised.</p>

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					<p>4. “The judge may “continue” your case.” If no restraining orders are going to be granted, this needs to be clarified with a bullet that states, “The judge is continuing this case to another day. The judge may not (or will not) issue restraining orders at this time.” (Same reasons apply here as above, “The judge will decide.”)</p>	<p>4. The description provided in the paragraph following the cited paragraph (on form DV-550) responds to the concern.</p>
	Hon. Mary Ann Grilli Judge Superior Court of Santa Clara County	DV-520 and DV-550	AM		<p>DV 550-</p> <p>1. I think that the second bulleted item needs to be revised. Witnesses are not brought just in case someone lies. They are brought to prove up your case. It may or may not be possible to admit declarations. I would also like to see the last sentence of that section bolded.</p> <p>2. In the next section, the last item should be revised. Hearings on these matters rarely take up to an hour and we do not want to advertise that they might. Perhaps the way to deal with this is to tell the party that they need to be prepared to tell the judge how long their side of the case may take to hear.</p> <p>3. In the disagree section, I suggest that the term “disagree with” be revised as it is</p>	<p>1. Agree to add “Witnesses may or may not be permitted to testify” and to delete the line “The judge may not have time to talk to the witness.”</p> <p>2. Most litigants do not know how long their case will take and such a directive may cause them undue anxiety. The goal in this piece of information is to alert the litigant that he or she may be present in court for a brief or long period of time.</p> <p>3. Unsure what the suggestion is.</p>

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					<p>awkward.</p> <p>4. In the section about the judge, fourth bullet, please revise this to state if you do not understand the question.</p> <p>5. I do not think that the bullet about the other person lying is the right wording. I suggest that we more accurately describe a hearing. This may be tricky, if there are courts that do not allow live testimony on these. Should we also mention the idea of objections?</p> <p>6. On the second page, in the continue section, I suggest that the last bullet be made the first one.</p> <p>7. In the section on custody and visitation, the temporary orders really last until further order, not just until the next hearing. I also recommend that we add a section regarding the gun issues.</p> <p>DV520-</p> <p>1. In the second bullet, consider describing a support person using that term.</p> <p>2. The section about lying and witnesses needs to be revised, since that is not the</p>	<p>4. Agree.</p> <p>5. As indicated by the commentator, this is a complex issue that could garner public comment. The committee will consider this suggestion in future development of the form.</p> <p>6. Agree.</p> <p>7. Agree to add "...or until another court order." Unsure which type of advisement is requested regarding the gun issues.</p> <p>DV-520</p> <p>1. Agree to add a parenthetical with the term "support person."</p> <p>2. Agree to delete the reference to lying and to revise the sentence to read "You can</p>

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					<p>only reason to bring witnesses.</p> <p>3. In the don't miss the hearing section, we should clearly state that the orders will expire and that they will need to refile their paperwork.</p> <p>4. We might also want to suggest that a party come to court on an earlier date to watch the proceedings to learn.</p> <p>5. The part about the hearing lasting up to an hour needs to be changed as above.</p> <p>6. In the interpreter section, we should add that a witness or anyone listed on the papers should also not be asked to interpret. I also suggest that we tell people to let the court know when they file their temporary restraining orders that they need</p>	<p>bring a witness to support your case.”</p> <p>3. Agree to add the words “... the restraining orders will end and you will have to start from the beginning.”</p> <p>4. This could be a complex advisement, given the wide variety of court practices around the state. In some counties, finding a calendar to view is a simple matter. In other counties, trying to view another DVPA case could pose a challenge. The committee will consider this suggestion in further revisions of this form.</p> <p>5. Most litigants do not know how long their case will take, and such a directive may cause them undue anxiety. The goal in this piece of information is to alert the litigant that he or she may be present in court for a brief or long period of time.</p> <p>6. Agree.</p>

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					<p>an interpreter. Just one week's notice might not be enough in some courts. The last section should be amended as on the earlier form.</p> <p>7. On page 2, first section, last bullet, insert "up to" before 5. Also, after 130, add: "if it is correct." In the continue section, move the third bullet up to the top, as it is the most common reason. I am not sure about the part about asking the clerk for forms. This may be unclear, since often it is not the courtroom clerk who will have them. We should consider revising this somehow.</p> <p>8. In the custody and visitation section, it is not always necessary to continue the restraining order hearing while the parties go to mediation.</p> <p>9. The role of the support person should be defined as well.</p> <p>10. In the last section regarding service, please add that persons listed as protected people cannot serve the papers either.</p>	<p>7. Agree to add "up to" before "5." It is understood that the judge will only sign the order if it is correct. Agree to switch order in "continue" section. The clerk may not have the forms but he or she can inform the person where to locate the forms.</p> <p>8. Agree to revise the text to match DV-550 so that the sentence reads: "If you are sent to mediation, the judge may make your restraining, custody, and visitation orders last until the next hearing or until another court order."</p> <p>9. Agree to add: "A support person can provide emotional support but cannot speak for you."</p> <p>10. Agree.</p>

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					11. In the after the hearing section, third bullet, add “or sheriff” after :police”. The service part needs to be revised.	11. Agree.
30.	Ken Kresse Executive Director California Center for Law and the Deaf	DV-520 and DV-550	AM	N	The proposed instructional forms DV-520 and DV-550 have an accommodations notice for deaf parties. We support inclusion of this information. This form and others often refer to contacting “the clerk.” In context, this sometimes means the courtroom clerk and other times, such as for the notice in these forms, this presumably means the court clerk’s office where forms are obtained and filed. The vagueness of the term may raise questions for a party and more specificity may be in order. If all court clerks are knowledgeable and aware of how accommodations requests are handled and which clerk should be contacted, then this should not be a problem. However, in the large counties, this is not always the case.	Since the forms must cover a wide variety of court practices throughout the state, some vagueness is unavoidable. In all cases, the counter clerk will know the court’s procedure and will be able to instruct the litigant appropriately.
	Stephen Love Court Executive Officer Superior Court of San Diego County	DV-520 and DV-550	AM	N	DV-520: 1. Under “Be prepared” in front of the last sentence in that item, add “Before the hearing date...” 2. After “Don’t miss your hearing!” add	1. The referenced documents were already filed with the clerk. The advisement is intended to tell litigants what to bring to the hearing. 2. Agree to revise sentence to read: “If you

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					<p>“your request will be dismissed.”</p> <p>3. Under “What if I don’t speak English,” should read, “you will need an interpreter.”</p> <p>4. Under “Practice what you want to say”, why 3 minutes?</p> <p>5. Under “What about custody and visitation?” the first bullet might be understood better if it said “make” rather than “agree.” At the end of this same section, add a bullet that reads “Be sure you go to mediation and back to court as ordered.”</p> <p>6. Under “What happens after the hearing?” add a bullet that reads “If the court does not extend the restraining orders, you may need to file other papers if you want to change your custody and visitation</p>	<p>miss it, the restraining orders will end and you will have to start from the beginning.”</p> <p>3. Unsure of the meaning of this suggestion. The suggested text is already part of the sentence.</p> <p>4. When the committee submitted this form for public comment in the Spring of 2002, the committee discussed this issue and found that many courts have a limited period of time to hear DVPA cases. The advisement is provided to alert the litigant that time is limited and to help the litigant prepare accordingly.</p> <p>5. Technically, if the parents don’t agree, only the judge can actually make the orders. Mediation is primarily intended to help parents agree on issues. Court practices vary widely. If the parents agree to a parenting plan, they may not necessarily need to go back to court.</p> <p>6. The suggested text could cause confusion; if the court denies the orders, the court will likely not issue custody orders. If the litigant needs custody/visitation orders,</p>

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					<p>orders.”</p> <p>DV-550:</p> <ol style="list-style-type: none"> 1. Under “The judge will decide.” add a statement that clarifies that if they consent to any of the restraining orders, they are implying there is a legal basis for that order. 2. In the third bullet, preface it by adding, “Before the hearing date...” for getting a sitter. 3. Getting an interpreter from the court would be impossible if the time for the service was shortened to two or so days, as is often the case. The same would be true for hearing impaired persons. Perhaps they could be told to bring a note, written in English, stating their need for an interpreter so the matter could be continued for the court to provide one. 4. Under “What about child custody or visitation?” change “the judge will” to “the judge may send you to mediation.” Also add, “Be sure you go to mediation and back to the court” and another item “If the court does not make a restraining order, 	<p>he or she would need to file a family law action.</p> <ol style="list-style-type: none"> 1. Unclear what the purpose of this advisement is. 2. The committee will consider this suggestion in future development of the form. 3. Court practice varies considerably throughout the state. A specific advisement such as this one could cause confusion. The committee will monitor the advisement to determine if it is problematic. 4. Mediation is required by statute, for contested custody matters. Please see responses to duplicate suggestions above.

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					you may need to file other papers if you want custody visitation orders.”	
	Molly Sugarman Paralegal, Facilitator Placer County Family Court	DV-520 and DV-550	AM	N	DV 520: Placer County procedures are somewhat different from the instructions. Could a statement be added, “Procedures may vary by county. Please check with the clerk to find out what the rules are in your county.”	Some of the instructions are statements of law and it may be unclear to the litigant what parts of the instructions vary with local practice. Where procedural variation is common, the advisements strive to account for that variation.
	Mia A. Baker Chair State Bar Standing Committee on the Delivery of Legal Services	DV-720	A, AM, N	Y	DV-720, 710: These forms would be used together to extend a restraining order. Our reviewers find these forms to be useful and would recommend their adoption. DV-720 contains pertinent information for requesting an extension of a restraining order. It guides the victim with clear and concise instruction. There could be more information about what is necessary to obtain an extension –i.e., is a new incident of violence required? – but in general we believe that this form could be useful to many victims of violence.	DV-720: No response required.
	Valerie Fercho-Tillery, Manager Peggy Kelly, Field Representative California Department of	DV-720	AM	N	DV-720, <u>How Do I Renew My Restraining Order?</u> 1. The DV-320 and DV-390 has every item numbered. The DV-720 does not. We	1. Agree to revise DV-720 so that each item is numbered.

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	Justice				<p>would suggest numbering all items on the DV-720 for consistency since these are all “How Do I...” forms.</p> <p>2. The language on the forms should also be the same or similar for consistency. For example, DV-320 Items 4 and 5, DV-720 Items 2, 3 and 4, and DV-390 Items 2 and 3 all cover the same information. The instructions on the service of forms and the filing of the POS should also be made as consistent as possible among these three forms. This would make the “How Do I” forms easier to understand and follow. Any future updates to the forms would also be simplified by making the forms consistent.</p> <p>3. “What does renew mean?” Change the answer from “...will last longer...” to “...may last longer...” (There is no guarantee the judge will extend the order.)</p> <p>4. “When do I ask for the renewal?” “Before your current form DV-130 ends.” How long before, 2 weeks, a month? We think you should advise a time period, otherwise, the petitioner will not know when to start this process. Consider</p>	<p>2. Agree to review for consistency.</p> <p>3. Agree to this technical revision: change “will” to “may.”</p> <p>4. There is no statutory guidance on this point.</p>

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					<p>changing the answer to “One month (or whatever time frame is appropriate) before your current order ends.” The petitioner may not know (after 3 years) what a DV-130 is.</p> <p>5. “How long will the new order last?” Change to “How long can ...” Change the answer to “The orders may be renewed for three years or permanently.” (Per FC 6345)</p> <p>6. Item 6 - Change “... to end the orders.” To “... to renew the orders.” Add Item 6 as a bullet to either Item 5 or Item 9 and renumber the remaining items.</p> <p>7. Item 7 – DV-210 is referenced here. The DV-210 should also be revised to include information that the DV-700, 710, 130 must be personally served. Some of the information on the current DV-210 would not apply to the DV-710 and visa versa for the DV-110 and 125.</p> <p>8. What happens if the petitioner cannot get the respondent served in time? There is no</p>	<p>5. Agree to this technical suggestion to change wording so that it is permissive.</p> <p>6. Agree to these technical suggestions.</p> <p>7. DV-210 is meant to be a very simple form. Adding references on that form to the renewal forms could cause confusion, since the majority of people do not ask for renewals. The committee will consider this suggestion in future development of the form.</p> <p>8. DV-210 addresses this issue.</p>

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					<p>instruction for what should be done.</p> <p>9. Item 8 – If a proof of service is filed by the petitioner with the court, the court is required to provide law enforcement with a copy. (FC6380(d)(2)) Would the POS be a DV-200? If yes, the DV-200 needs to be revised to include check boxes in item 4 to include the DV-700 and 710.</p> <p>10. Can the instructions for the POS on a DV-720 be the same as listed on the DV-210 (What do I do with the completed Proof of Service?) If yes, maybe item 8 could reflect the same information, for example, “Make at least 5 copies; File the original at least 2 days before your hearing; Ask the clerk to enter it into CLETS,....., etc.”</p> <p>11. Item 10 – Add an item or a bullet that says: “If the judge does not renew the order, the order ends.” There is the possibility the judge may not grant the request for renewal and the petitioner should be advised of this.</p>	<p>9. <u>The Proof of Service (In Person)</u>, form DV-200 is intended to be a very simple, straightforward form. Litigants can write in the correct form numbers under 4(g) “Other” on DV-200. The committee will consider this suggestion in future development of the form.</p> <p>10. This already exists on page two of the form. Agree to reorganize the form to clarify that it is two pages.</p> <p>11. This should be clear from the revised wording; the form already indicates that the judge “may” issue the order, etc.</p>

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					<p>12. Item 11 – If a proof of service is filed by the petitioner with the court, the court is required to provide law enforcement with a copy. (FC6380(d)(2)). Change the fourth bullet to read: “The court will send proof of service to law enforcement for you. That way police across the state and nation will know that the order has been renewed.”</p> <p>13. Can service be by mail if no changes to the order were made (with the exception of the issuance/expiration dates)? If yes, you should give instructions, which should conform with existing rules (DV-200, 210, 250), unless the court would be mailing and it, and in that case, you should give that advisement on this form.</p> <p>14. The DV-250 should also be revised to include DV-700, 710, as those cannot be served by mail.</p> <p>15. Please note: You should also consider</p>	<p>12. Agree to reword the sentence to indicate that the court clerk is required to transmit the proof of service to CLETS or law enforcement.</p> <p>13. Agree to revise advisement to indicate different service methods.</p> <p>14. The <i>Proof of Service by Mail</i>, form DV-250, is intended to be a very simple, straightforward form. Litigants can write in the correct form numbers under “Other” on DV-250. The committee will consider this suggestion in future development of the form.</p> <p>15. This has already been accomplished,</p>

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(approve form DV-260 and DV-720; and revise forms DV-100, DV-105; DV-110, DV-130, DV-520, and DV-550)

	Commentator	Form	Position	Comment on behalf of group?	Comment	Committee Response
					<p>revising the DV-710 as soon as possible. It states on the bottom, “This is not a Court Order.” We believe it is. The order states (in part) in item 3, “The current restraining orders stay in effect until the hearing date.” We have received calls from law enforcement concerning the language on the form. This is a conflict for law enforcement since the court is extending the expiration date of the order, but the notice of hearing states “This is not a Court Order.” This is also problematic for the protected and restrained parties.</p> <p>If you revise the DV-710, you may wish to consider adding DV-110, item 17 (similar) language to this form, if possible or if applicable.</p>	effective July 1, 2003.
31.	Keri Griffith Superior Court of Ventura County	DV-720	AM	N	DV-720 – Family Code 6345 does not indicate anything regarding renewing with notice. In some scenarios is needed and in others it should not be required so that protected person is not exposed. Judges should use discretion based on circumstances.	This issue was addressed when the underlying form (DV-710) was distributed for public comment. At that time, the committee determined that, in the absence of statutory guidance to the contrary, the service of process and notice laws for securing an initial order should apply to securing a renewal.
	Stephen Love Court Executive Officer	DV-720	AM	N	DV-720: 1. Item 5: Should read “The clerk or the	DV-720: 1. Agree to add “the clerk or...”

SPR03-40

Domestic Violence Prevention Act Orders

(approve form DV-260 and DV-720; and revise forms DV-100, DV-105; DV-110, DV-130, DV-520, and DV-550)

	Commentator	Form	Position	Comment on behalf of group?	Comment	Committee Response
	Superior Court of San Diego County				<p>judge...”</p> <p>2. Item 6: would more logically appear after what is now Item 9.</p> <p>3. Add Item 12: “If the judge does not extend the restraining orders, they end on the date previously ordered or on any new date that the judge sets.</p>	<p>2. Agree to this technical suggestion.</p> <p>3. The suggested text could cause confusion. The committee will monitor this issue to determine if it becomes problematic.</p>
	Molly Sugarman Paralegal, Facilitator Placer County Family Court	DV-720	AM	N	DV 720 should require service of blank response/answer.	Agree to add text regarding service of blank <i>Declaration</i> (form MC-030).